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The Georgia Historical Quarterly

Volume III MARCH, 1919 Number I

Columbus, Ga., and General Henry L. Benning

By HENRY R. GOETCHIUS

The following article was written for the Columbus *Evening Ledger,* but with the kind consent of the author, we are permitted to use it here, feeling assured that it will prove of interest to our readers on account of the historical facts contained in it.—*EDITOR.*

War telegrams, memorial days and patriotic women are not the only reminders of martial days "then and now." There are other reminders when war news is coming and our streets are full of soldiers and I want this afternoon to tell your readers whom I do not know something about the war notes sounding in Columbus before and in 1861.

Before doing this I may tell something about the origin of this old town and briefly the part she took in other wars.

Columbus is one of the most historic places in America. This is not generally known, but it is a fact. Long before 1827 and long before 1733, when Yamacraw Bluff was settled by General Oglethorpe, Columbus was right here on the Chattahoochee river at the foot of its Coweta falls, and was the most important Indian town in all this country between the Mississippi river and the Atlantic ocean. How long it had been so regarded by the Southern states no one knows, but Oglethorpe and his handful of followers found it that way in 1739, when white men, for the first time, so far as anybody knows, saw it. This was only six years after Oglethorpe landed at Savannah (Yamacraw Bluff). He found here, where Columbus now is, the famous and very important place known as Cowetah—afterwards Coweta Town—and changed in name

by the whites in a legislative act to Columbus. It is well known that all this territory was the country of the Upper and Lower Creeks, the great Indian nation known as the Muskhogees, or Creek Confederation. We have today, for our county and social club, this very name spelled Muscogee. Above the 34th line were the Cherokees, a powerful tribe in the upland and mountain country of Georgia and Tennessee. They cooperated with the Creeks in general political and war matters. The Creek Confederation was made up of smaller tribes. I could not now give all of them, but there were among them, the Hitchcittees (now a creek in Chattahoochee county); the Uchees (now a creek in Alabama); the Coosas (now the Coosa river) the Apalachee (now a bay just below us); the Seminoles in Florida; the Wetumpkes (now Wetumpka) and so on. But especially there was a tribe called the Cussetahs, from which comes our Cusseta in Chattahoochee county, and the Oscoochees from which tribe was an Indian town called Oscayoochee and now our Oswitchee (or Oswichee). It is nine miles southwest of Columbus. In Indian days this place was surrounded by and had in it magnificent woods and splendid trees. Just here Oglethorpe came in 1739 and met under these trees the Indian chiefs and settled a treaty which bound the Georgia colony and England her parent and the Great Creek Confederation. That treaty kept the Spaniards in Florida from getting the Indians on their side, and eventually saved to England and America all of the country south of the Potomac river and east of the Mississippi. So it was that in this section is this Coweta Town, existing long prior to and through the Revolutionary war and down to 1827. Let us remember that Georgia then was actually only a little strip of land between the Savannah and Oconee rivers extending to the headwaters. The English charter granted land west to the South seas, but Georgia as a colony, could not "occupy" as the Indians held the land. It took grants and treaties for the white man to get it. He got his first grant confirmed which he was occupying between the two above named rivers. Then by treaty and purchase he got the land between the Oconee

and the Ocmulgee rivers; then between that and the Flint river (Thronateeska in Indian) and lastly between the Flint and the Chattahoochee. This last was long after the Revolutionary war and long after the end of Georgia as a colony. As a state, Georgia agreed with the United States Government to let her part of the great war debt go at exchange for all her land west of the Chattahoochee. The government took it and made Alabama and Mississippi out of it, executing treaties with the Indians by which they gave up all their land in these states and went to Indian Territory. That is the reason all residents of these two states trace their land titles back to Indian grants. Georgia owned her land; cut it into forty 200 and 250 acre lots, and had big lottery schemes to start her titles. In laying off her lots she reserved a strip over here where Coweta Town stood and called it the Coweta Reserve, and cut it into ten and twenty acre lots. Coweta Town stood along its western edge and on the river being about half way between the 32d and 33d parallel of latitude. In 1827 the General Assembly authorized five commissioners to lay out not less than five hundred half-acre building lots at Coweta Town and give it a name. The commissioners did this and called it Columbus. In 1828 the General Assembly incorporated the town under this act and the people elected an intendant (mayor) and six commissioners (aldermen). Columbus then started out on its history. It would be intensely interesting to recount this history, social, religious, political, civil and military. I began, expecting to tell something about the last and especially in the sixties, as contrasted with what we see in and about here now. I find, however, that it has been necessary to write about the "founding of the city" (ab urbe condita).

I have written about the origin of Columbus. Let us read now a few lines about her military history. It is pertinent just at this time. We have a training camp and because of this present war our streets are filled with khaki boys. Everybody is doing what he can to help on our side. Columbus always did that.

A man recently said this about Columbus: "You have a fine set of people down here and I have found after half a century of observation that they always make good. If there are any black berries about, Columbus seems to claim she has the largest and most juicy; so with apples. She always has the largest and reddest. If a group of women are together, Columbus claims she has the handsomest and best in the lot; she always thinks she is just a little bit ahead of any community with which she may be contrasted." And said he, "I believe she has a right to say so." Think of this coming as it did from a life-long resident of Atlanta! He knew Columbus and her people, however, for he had visited here from the beginning of his long life.

So it has been with Columbus about her soldiers and her interest in the welfare of her section and her country.

When she was laid out in 1827, the town proper was bounded on the south and west by the river, on the north by what is now Sixteenth street, and on the east by what is now Sixth avenue. The land north to Seventeenth street and east to Tenth avenue was commons. It was made into lots and tracts in 1873. In 1887 Rose Hill was annexed and later East Highlands. Wynnton has always been a suburb and so has Girard and Phoenix City. Many people think Girard is older than Columbus. As a matter of fact it was not laid out until 1834. All lands across the river were Indian lands as before stated. Phoenix City, at first Browneville, was not known till after the Civil war. Now, including the Alabama suburb, Columbus has a population of about forty thousand. At first she was but an Indian trading town. In 1860 there were only about eight thousand people within her limits and not over two thousand in her suburbs, including Alabama.

In those early days of her existence all her male population could shoot and were prepared to do so. Just as now, the men felt that some organization in this line should be had, and so at the very first, what was called the "Frontier Guards" came into life. In 1831, however, they disbanded and in September of that year there was organized the "Columbus Volunteers"

with A. S. Rutherford, captain. Notwithstanding the treaties there were Indian rtoubles constantly arising, for the whole country was filled with Indians.

The Columbus Guards were organized with Dr. John A. Urquhart as captain, sometime prior to 1835, but in May of that year they received their commission and have been in existence to this day. They are now in France. They fought the Indians, when necessary, from the very first and were ready to protect Columbus, together with the help of all other males in that dreadful time. In 1836 matters with the Indians were so unsettled that Columbus also organized the Cadet Rifles and Muscogee Blues. This was the year of the war with the Seminole Indians in Florida. Many men volunteered from Columbus and fought in that war. The maternal grandfather of the writer was one of these and he carried a bullet to his death from a wound in that war. He gave a son to the Mexican war, three sons and two grandsons to the Civil war, and two of his great grandsons are fighting in France. Federal and state troops rendezvoused for these troubles in 1836. Forty-four Georgia companies were in Columbus at the call of General Winfield Scott. Among them from Columbus were the Columbus Guards, the Muscogee Drafted; the Muscogee Cadet Riflemen and the Muscogee Artillery.

These were strenuous and exciting days. The Indians had threatened to massacre the inhabitants here. All the male population and military men assembled in the Baptist Church yard. All the women were put within the brick wall fence of the old Oglethorpe building. For a long time they went there every night. The wall extended from First to Second avenue and along there and Twelfth street. First avenue was Oglethorpe street, Second was Jackson street and Twelfth was Randolph street. The last vestige of that wall came down a short while ago when the store of Brannon & Carson was located. Paddy Carr, a friendly half-breed Indian, saved the town the night of the intended massacre. You can doubtless read all about him in the Public Library. I cannot undertake to give the list and history of all the military companies of

those and subsequent days, which were in Columbus. There were numbers of them. In 1846 came the war with Mexico. The South took a large share in this important event which finally resulted in fixing the southwestern line for the United States, and ended many other difficulties. Columbus sent her crack company, the Columbus Guards, and many volunteers. A regiment of troops rendezvoused here under Col. Henry R. Jackson, marched to Chehaw in Alabama and entrained for Mexico. It was in this year the City Light Guards organized. Its first captain was a gallant young attorney, A. H. Cooper, who afterwards fell in the Civil war. His descendants are here today. This was a noble company and was a strong rival of the famous Columbus Guards. My earliest recollection, as a boy, was seeing these two companies marching up Broad street one summer afternoon. It was just before the Civil war. In those days there were no paved streets and no central parkway or transfer station. I can see them now. The Columbus Guards were on the west side. The City Light Guards were on the east side. The drum corps was in the center. Captain Paul V. Semmes commanded the Columbus Guards and Peyton H. Colquitt the City Lights. Both companies were in full dress. The Columbus Guards had on red cut-away coats with white fronts and white trousers (this for summer). The City Lights had on blue cut-away coats and buff fronts and blue trousers with buff stripe. There was an abundance of brass buttons and epaulets and shako hats and plumes. At the two bass drums were Peter De Votie and Lymus Jones, and at the fifes were Tom Rhodes and Tom Hicks and the kettle drums were handled by Peter Harris and Henry Harris. All these were colored except the last named. Henry Harris fought through the war with his company and is buried in Linnwood. I saw all this about where Kirven's store now stands. These companies marched in platoon formation and moved as one. They were magnificently drilled. When war broke out they went at once to the front. I saw them march out Randolph (Twelfth street) on the plank road then there and board the train just beyond where Golden's

Foundry now is. We had no Terminal station then. Few of them came back. Captain Semmes was made colonel of the Second Georgia Regiment and afterwards brigadier general of Semmes' brigade. He fell at Gettysburg and is buried in Linnwood. Captain Colquitt was made colonel of the 46th Georgia Regiment. He was commanding a brigade at Chicamauga when he fell. His commission as brigadier general had then been issued, but not received at his death. He, too, is buried in Linnwood. There was one other brave man from Columbus, who stood as "Old Rock" in the Civil war, who was a brigade commander.

This was General Henry L. Benning, after whom the Columbus people ask that our camp be named. It may be well just here to say that General Benning, at the time he died in July, 1875, was one of the most widely known and highly esteemed men in Georgia. He was great as a lawyer, judge, soldier and patriot. As a member of the Supreme Court of Georgia, before the Civil War, he ranked with the highest. When war came in the sixties he was one of the first to go out. He raised his own regiment, the 17th, and was its colonel. He was soon promoted to the office of brigade commander, and was attached to Longstreet's bloody corps. I cannot here go into his military record. He was one of the bravest of the brave. He escaped death, but not wounds. He fought through every important battle of the Army of Northern Virginia, and came at last home to help rebuild the fallen fortunes of his country. One of the last signatures of the Secretary of War of the Confederacy was placed on the commission of Henry L. Benning as major general.

If the War Department sees proper to note the suggestion of the people of this historic and patriotic city and name their military camp after General Benning, such a step will be another recognition of what all of our people in Georgia know, and that is that Benning, both in war and peace, was one of our greatest men.

All the above were not the only men or companies who went out in those days. There were hundreds of other brave,

noble soldiers, many never to come back. Everything was war in the sixties and for years afterwards. Besides the two above companies, this city and vicinity in 1861 sent the following: The Southern Guards, Home Guards, Georgia Grays, Confederate States Sentinels, Independent Light Infantry, Muscogee Rifles, Jackson Avengers, Ivey Guards, Semmes Guards, Georgia Light Infantry, Terrell Artillery, Columbus Minute Men and Columbus Flying Artillery. There may have been others not now recalled.

The next real sign of war, after all these companies went forth with fife and drum and brass bands and uniforms and other full equipment, did not come in force till that fateful day in April, 1865. Then General James Wilson, with his ten thousand detached by Sherman and sent southwest to sweep through Alabama and Georgia, came upon us, destroyed the city and $67,000,000 worth of cotton and other property and went his way to halt before he got to Macon because the war was ended. The pity of it all was that neither they nor our side knew when they destroyed Columbus that hostilities had ceased. Space forbids going into the military history of Columbus in reconstruction days. It would be a long story, and to all of us a sad story. Let it pass. Not till 1898, when we were at war with Spain did we have soldiers. Then we had a brigade and the streets, then as now, were full of "our men." Columbus sent her full complement to fight in this war. And now we have "our men" again. May they come, to be always in this patriotic old town! I have been asked by some (only a few, thank God), why revive such memories? My answer is because memory is the root of all the powers of man. Civilization is memory. Honor is memory. Religion is memory. Blot out memory and nothing is left us. It has been well said that all the beauty and profit of our future grow out of the past as flowers and fruit grow out of the ground. Only by looking back can we go forward.

The Capture of the U. S. Steamer "Water Witch" in Ossabaw Sound, Ga., June 2-3, 1864

By THE EDITOR

In the latter part of May, 1864, an expedition was planned and suggested to the Confederate authorities at the head of the forces defending the City of Savannah and the neighboring territory which, for boldness in its design and the completeness of its arrangement, insuring its success, has seldom been surpassed and not frequently equalled. While it is true that many like performances have been proposed, they have not often been adopted, because of a lack of faith in their success. The incident referred to was remarkable for the secrecy with which it was designed and carried out, as well as the absolute obedience to orders in their most minute detail on the part of every one in whom the confidence of the leader was imposed. The event to which we allude is the seizing of the United States blockading steamer "Water Witch" in Ossabaw Sound, Georgia, beginning late in the night of the second of June, 1864, and ending successfully in the early morning of the third. It is true that the expedition was successful in the accomplishment of the object aimed at by its leader, Lieutenant Commander Thomas P. Pelot, but it was at the cost of the life of that gallant and brave officer. Let us get at some facts in the life of the man and see how he obtained his experience in the duties of a naval officer.

Born in South Carolina, and appointed from that state to the old United States Navy, young Pelot resigned on the eleventh of January, 1861, to take part in the impending conflict between the states, choosing rather to serve his beloved Southland than to fight against her interests, even though the prospects for rapid promotion in the latter cause seemed certain. He was commissioned as first lieutenant in the Confederate States Navy March 26, 1861, and another commission as first lieutenant was given him, dated October 23, 1862, to rank from the second of that month.

On the nineteenth of May, 1862, Mr. Mallory, Secretary of the Navy of the Confederate States, issued an order to Flag Officer Josiah Tattnall, then commanding the naval defenses of Richmond and vicinity, to proceed to Savannah, Ga., and resume the command of the naval defenses of the State of Georgia, and on the sixteenth of September, of the same year, Commodore Tattnall, by order from the Secretary of the Navy, instructed Lieutenant-Commanding Thomas P. Pelot to take command of the Confederate steamer *Savannah*. In less than a month from the latter date, that is to say on October 9th, Lieutenant Pelot was ordered by the Commodore to "proceed with the steamer *Savannah,* under your command, to the anchorage between Forts Jackson and Cheves, and be ready at all times to man the naval battery (Fort Cheves) with the crew of the *Savannah*". Then, on the third of November, the lieutenant, while on duty off Fort Jackson, was served with the commodore's command to "sweep the place in the river where the fire rafts were placed with your small boats until you recover the anchors and chains which were used to moor those rafts." (Naval War Records, Series 1, vol. 13, pp. 806, 807, 812, 815).

About six months after the last mentioned order, on the twenty-first of May, 1863, Lieutenant Pelot was in command of another steamer, as shown by an order from W. A. Webb, "Commanding afloat, on board C. S. S. *Atlanta,* Savannah river," to "proceed to city with the steamer *Oconee* and make all dispatch in repairing the smokestack. You will also render all assistance to Lieutenant (C. Lucian) Jones in fitting out the C. S. S. *Savannah.*" Just a week after Commander Webb ordered Lieutenant Pelot "to place coal with dispatch on board the *Oconee* and on Saturday next you will proceed with the *Oconee* to the obstructions and report to me." (Naval War Records, series 1, vol. 14, pp. 698-703.)

Nearly three weeks later, on the eighth of June, W. A. Webb, then "Commanding Naval Squadron on C. S. S. *Atlanta,* off Thunderbolt," reported to Secretary Mallory that Commodore Tattnall had shown him a dispatch from the Secretary

of the Navy, relating to the plan of using the steamer *Oconee* for important service to the government, and that he (Webb) had that day transferred her, with the two engineers, to his (Tattnall's) command. (Naval War Records, Series 1, vol. 14, p. 709.)

The next day Commander Webb issued an order to Lieutenant Pelot, C. S. Navy, commanding the C. S. S. *Oconee*, off Thunderbolt, to proceed to Savannah and "Report to Flag Officer Tattnall, and inform him that you are ordered to turn over to him the steamer *Oconee* and the officers and crew, with the exception of yourself and Assistant Surgeon (Theodosius B.) Ford and Midshipman (Wm. D.) Goode, and the men and boys who remain after the crew of the *Savannah* are selected. After you have delivered the officers and crew of the steamer to Commodore Tattnall, you will return with the remainder and take charge of the steamer *Resolute* lying off Thunderbolt." (Naval War Records, Series 1, vol. 14, pp. 709-710.)

We next find Lieutenant Pelot mentioned as commanding a vessel of peculiar construction, built at Savannah with the expectation that she would be a most formidable war machine, almost indestructible, and capable of doing great damage to war vessels of the enemy. The mistake in her construction is pointed out in the report which will now be quoted. On the thirtieth of June, 1863, Commodore William Wallace Hunter was flag officer at Savannah, and his flagship was the steamer *Savannah,* from which he that day reported to the Secretary of the Navy regarding the several vessels assigned to his command, from which this paragraph is taken: "The *Georgia,* ironclad floating battery (nine guns), Lieutenant-Commanding T. P. Pelot, contributes the chief naval defense at the obstructions below the city, and is moored near them. Her steam power is scarcely adequate to propel her at the slowest rate. Her battery is in serviceable condition, and the crew well drilled at her battery, and are in good discipline." Two days after this Commodore Hunter, reporting to Secretary Mallory, mentioned the fact that Pelot was a young lieutenant, and suggested that he "may be more appropriately

placed elsewhere." (Naval War Records, Series 1, vol. 14, pp. 714, 717.) His further work will now engage our attention.

In the closing days of the month of May, 1864, it was whispered among a circle of officers and men, to a certain degree in touch with the heads of the army and navy on duty in Savannah, that preparations were in progress looking to an attack by night, in the near future, on the vessels composing the blockading squadron on the coast. In this small number of persons not actually of the consulting body were a few members of the Signal Corps who, by reason of the knowledge gained through the transmission at their hands of telegrams, both by flag signals and by telegraph, had information which they were forbidden to mention. Among them was the present writer, who just then was one of the two telegraph operators, from the Signal Corps, on duty at the headquarters of General Lafayette McLaws, in Oglethorpe Barracks, where the DeSoto hotel now stands. The other operator was Mr. Henry M. Stoddard. It was pretty well fixed in the minds of those who could in any way communicate with each other on the subject, that the time for action on the part of those selected for the service was actually at hand on the last day of the month, and the feeling of anxiety was intense. Who suggested the plan is not known; but it is quite positive that Lieut. Pelot was, from the first, designated as the leader of the attacking party. At that time Commodore William Wallace Hunter had assumed command of the small navy of the Confederacy in the vicinity of Savannah, and he organized the expedition, placing Lieutenant Joseph Price second in charge under Pelot. There were seven boats, manned by fifteen officers and one hundred and seventeen men.

At that period the Confederate iron-clad *Georgia* was moored in the river near Fort Jackson. She was a vessel built with money contributed by the ladies of Savannah, intended as a ram, and covered with railroad iron. Her builder was Henry F. Willink, Jr., an experienced ship-builder of Savannah, and she was a formidable engine of war in the form of a stationary battery; but unfortunately, as already shown,

she was so heavy that the engines placed in her could not give her the power to move through the water except at a very slow rate. Because of the manner through which she was constructed she was at first known as "The Ladies' Gunboat", but her name was changed to *Georgia.* The point from which the expedition was to start was the mooring of the *Georgia,* and the time of starting the afternoon of the 31st of May. The boats were towed to the Isle of Hope battery, whence they rowed to the battery at Beaulieu, where they remained that night.

It was probably not known at the beginning just which one of the vessels composing the blockading squadron would be attacked, but scouts sent out reported that one of them was at anchor in Little Ogeechee river, close under Racoon Key, and she was selected for the fight. She proved to be the *Water Witch.* Before we proceed with an account of the attack, let us learn something of the history of this boat.

The date of her building is not known to this writer, and the first time of any service she performed, so far as he can ascertain, was, according to J. Thomas Scharf, in his "History of the Confederate States Navy", page 645, where he mentions her as a fine side-wheel steamer, a favorite ship of the navy, mounting four guns, adding that she was used in the Paraguay War of 1855. Scharf also makes note of the fact that the service of the *Water Witch* as a blockade runner was enhanced by her "speed and handiness". Commander A. T. Mahan, the writer of a small volume in a series of books on "The Navy in the Civil War", said volume bearing the title "The Gulf and Inland Waters", after mentioning the fact that the *Water Witch,* before her transfer to the Georgia coast, was stationed in the Mississippi district, described her as "A small side-wheel steamer of under four hundred tons, with three light guns, then commanded by Lieutenant Francis Winslow". In the "Naval War Records", series 1, vol. 17, pp. 14-16, we find reports showing that she was, from December 25 to 27, 1861, in service in Mobile Bay, when she was commanded by Lieutenant-Commanding A. K. Hughes; and the same volume, page

34, shows that on the last day of that month she was on duty still in the Mississippi Sound. Again, in the same volume, page 183, a report from Lieutenant Hughes, dated "at sea", March 6, 1862, addressed to Secretary of the Navy, Gideon Welles, stated that, with the *Water Witch* he had captured, on the 5th instant, off St. Andrew's Bay, the schooner *William Mallory,* as a prize. We find, in the same volume, page 200, a report from Flag-officer Wm. W. McKean, commanding Eastern Gulf Squadron, to Secretary Welles that he had dispatched the *Water Witch* to Philadelphia, "with instructions to Lieutenant-Commanding Hughes to report to the Secretary of the Navy immediately".

The next item, taken from volume 13, is a little more definite. On page 355 information is given that on the 3d of October, 1862, Commander Charles Steedman, then stationed in the St. John's river, reported to Rear Admiral DuPont that the *Water Witch* and two other boats had been sent up the river "to feel the batteries at St. John's Bluff, the enemy having been busily engaged several days on some work in and around the old battery". The report showed that "the enemy" promptly responded to the firing of the boats "with great accuracy as to the range"; and shortly after he "had the result hoisted", and the vessels returned out of the range of the enemy. More than three months afterward, January 24, 1863, Rear Admiral DuPont reported from Port Royal, South Carolina, to Secretary Welles that "The steamer *Water Witch* met with a serious accident whereby her upper cylinder head has been rendered useless". (Naval War Records, series 1, vol. 13, p. 535); then, on the 8th of February, Austin Pendergrast, who had been placed in command of the steamer, wrote from New York harbor to the Secretary of the Navy as follows: "In obedience to an order from Rear Admiral S. F. DuPont, I have the honor to report the arrival of the U. S. S. *Water Witch* at this port". (Same vol., p. 649.) It took some time to make the necessary repairs, and it was not until the 14th of June that Admiral DuPont, at Port Royal, informed the Secretary of the Navy, at Washington, of "the arrival here of the

U. S. S. *Water Witch,* Lieutenant-Commander A. Pendergrast".

We now come to the point where the steam vessel whose name has so frequently been mentioned reached the locality of the scene to which the foregoing statements are but the introduction, and where her operations as an instrument of warfare ended with her capture and with disaster to her crew. A number of attacks had been made by the monitors and other vessels of the blockading fleet on Fort McAllister, Beaulieu Battery, and other points occupied by the Confederates; and it was decided at headquarters in Savannah that an attack should be made on the squadron, with the hope that at least one of the vessels could be taken, or destroyed, and the enemy thereby weakened in no inconsiderable degree. The plan suggested and agreed upon was to send a boat expedition down the Vernon river in the darkness of the night, the boats to be allowed to drift with the falling tide, so as to avoid the noise of oars in rowing as far as possible, and the men composing the attacking party were well chosen and thoroughly drilled as to any emergency that might arise. The name of the person from whom the proposition first came will in all probability remain a secret forever. The detail for the expedition was made by Commodore William Wallace Hunter, and the information concerning the boats and their crews has already been given. Scouts had reported that one of the vessels composing the blockaders, which proved to be the *Water Witch,* was usually anchored in a solitary position, and she was singled out for the attack.

Early in the morning of the 3d of June, the news began to spread throughout the City of Savannah that an expedition, planned by the Confederate Navy officials, had, during the night just closed, made a strong effort to capture one of the ships of war then blockading the Georgia coast; that the attack had been stoutly resisted; and that not only the boat containing the leader of the attacking party but all the others, save one, had been taken by the enemy with the loss of the life of our leader and others. The news came from the crew

of the escaped boat who believed all that they had reported. Sad countenances were to be seen everywhere, and no doubt of the truth of the report was felt by any one. But later in the day the people heard a different tale, and sad countenances gave way to expressions of joy, and words of congratulation were exchanged on all sides. As the truth became known all rejoiced over the gallant and successful conduct of that portion of the little band of Confederates who stood manfully at the post of duty, gaining a victory of which they had reason to be proud, little dreaming that a few had turned back in the belief that all had been lost. Mingled with the rejoicing, however, was a feeling of grief that some had met death in the hour of victory, and that the brave leader himself had paid with his useful life for the glory which he himself so nobly helped to win, but in the celebration of which he could take no part.

And here, with the reader's permission, the writer will change the form of the narrative from the third to the first person. I had been among the first to be detailed from the headquarters of the Signal Corps to the camp of instruction in telegraphy, and early learned to read messages by sound. I was then attached to the headquarters of General Lafayette McLaws, as before said, but that day I was off duty. I strolled into the office of the Corps, at the foot of Lincoln Street, on the Bay, to get some sort of supplies for my office and was conversing with some of my comrades, when, suddenly, the call for the Savannah office sounded from the Beaulieu station, coupled with the startling words *"Very Important"*. We were all (several being present) much agitated, and the officer in charge, nodding to me, said "Take it down!" I did not hesitate, and, calling to a brother member to write, I received and called out to him the following:

"Beaulieu, June 3, 1864.

"To Flag Officer W. W. Hunter,
Savannah, Ga.

"At 8 o'clock p. m., the expedition got under way and formed two columns. Boats Nos. 1, 3, 5, and 7, composing

the port column, 2, 4, and 6, the starboard column; Lieut. Thomas P. Pelot, commanding, with Assistant Engineer Caldwell, C. S. N., and Moses Dallas (colored) pilot, led in boat 1; Lieut. Price, with Master's Mate Gray and Second Assistant Engineer Fabian, in No. 2; Midshipman Minor, with Master's Mate Freeman, in boat No. 3; Midshipman Trimble, in boat No. 4; Boatswain Seymour, with Master's Mate Barclay, in boat No. 5; Master's Mate H. Golder, with Assistant Surgeon Thomas, in boat No. 6; Master's Mate Rostler, with Assistant Surgeon Jones, in boat No. 7; and proceeded with muffled oars to the spot where we supposed the enemy's vessel to be. On arriving, we found that she had either shifted her anchorage or that we had been mistaken as to her position. After searching in vain till nearly daylight, Lieut. Pelot ordered Boatswain Seymour, with one man, to remain on Racoon Keys as scouts, and the expedition to return to camp at Beaulieu Battery.

"On the next day (June 2), at 9 o'clock p. m., we got under way and proceeded to Racoon Keys, where we took on board our scouts, who reported that one of the enemy's vessels was lying in Ossabaw Sound, about three miles from where we were. After waiting there until midnight we were ordered to get under way and pull cautiously. The night being dark and rainy we got close aboard of her without being discovered. On being hailed, Lieut. Pelot answered we were 'rebels' and gave the order to 'board her'. The vessel having steam up at the time, as soon as the alarm was given, commenced turning her wheels backwards and forwards rapidly, thus thwarting the earnest efforts of Boatswain Seymour and Master's Mate Rostler to get on board with the entire boat's crew.

"The port column, led by Lieut. Pelot, boarded on the port side; the starboard column, led by Lieut. Price, boarded on the starboard side. In coming alongside, the enemy's fire with small arms was quite severe; in fact it was during that time, and while the boarding netting, which was triced up, was being cut through, that the most of our loss in killed and wounded was sustained. After a sharp hand-to-hand fight of some ten

minutes, the ship was taken. Lieut. Pelot was the first to gain the deck, and while bravely fighting was shot and instantly killed. In his death the country has lost a brave and gallant officer, and society one of her highest ornaments.

"The command then devolved upon me, and I proceeded forthwith to extricate the vessel from the position she was then in to avoid recapture by the enemy. Our pilot having been killed before the boats reached the side of the ship, I sought for the enemy's pilot and found that he was too badly wounded to assist me, but finally procured one of the quartermasters, whom I compelled to pilot me to the upper end of Racoon Key, where, at the top of high water, the ship grounded. I then found it necessary to lighten her, which I did by throwing overboard some barrels of beef and pork, a few coils of hemp rigging, the remainder of the chain, which I had slipped as soon as we took the vessel, and lowering two of the guns in the boats. On getting ashore I immediately landed the killed, wounded and prisoners at Beaulieu Battery. At 4 o'clock p. m., having in the meantime obtained a pilot from the shore, I succeeded in getting off and anchored her at 7 o'clock p. m., under the guns of Beaulieu Battery above the obstructions when Lieut. W. W. Carnes, C. S. N., by your order, arrived on board and assumed command.

"In the darkness and confusion on board it was impossible for me to observe each and every man; but I will state, with pride, every one, officers and men, did their duty most gallantly. I would state, however, that I owe my life to E. D. Davis, ordinary seaman of the C. S. steamer *Savannah,* he having cut down every opponent when I was sorely pressed by them.

"Boatswain's Mate J. Perry, of the steamer *Sampson,* rendered me most valuable assistance in lightening the vessel and general duties on board. The former, although severely wounded, remained on deck as long as he could."

The report was signed by Lieutenant Joseph Price.

The night was dark and stormy, and while the conflict was raging flashes of lightning occasionally enabled the fighters to

determine how to act. Two of the officers of the *Water Witch,* Commander Pendergrast and Master Charles W. Buck, in their reports charged the officer of the deck, E. D. Parsons, with taking refuge below deck. It has been stated that the two commanders, Pelot and Pendergrast, came face to face and actually crossed swords. As seen by officer Price's report, the death of Pelot did not cause any confusion, or bring about any hitch in the plans previously mapped out, so completely were they prepared. The Federal reports commended the Confederates on the manner in which the affair was planned and carried out. The casualties on the Confederate side were: Lieut. Thomas P. Pelot, Gunner Pat Lotin, Seamen W. R. Jones, James Stapleton, ——— Crosby and Pilot Moses Dallas. Wounded: Lieutenant Joseph Price, Midshipman Minor, Boatswain ——— Seymour, Surgeon's Steward ——— Harley, and Seamen J. R. Rice, J. Barrett, A. McDonald, E. J. Murphy, A. Williams, T. King, and ——— Champion. The Federals lost two killed and twelve were wounded.

A most interesting incident in connection with this matter is the part borne by the colored man, Moses Dallas. He was a pilot, skilled in his business, and held in the highest esteem by all who were connected with the little naval force stationed about Savannah. That he was reliable and well thought of is shown by the following extract from a letter written June 5, 1863, by Commander John K. Mitchell to officer W. A. Webb, in which, after authorizing the placing of Pilot James Fleetwood on the same footing as other pilots employed by Webb, he added: "Your action in increasing the pay of Moses Dallas, colored pilot, from $80.00 to $100.00 is hereby approved".

General Sam Jones, on the 4th of June, telegraphed from Charleston to General S. Cooper, at Richmond, "Night before last the U. S. gunboat *Water Witch,* of four guns, was captured, after a sharp fight, in Ossabaw Sound, by a naval party, organized by Commodore Hunter". (Official Records of the Union and Confederate Armies, series 1, vol. 35, part 1, p. 404.) In the second part of the volume just quoted, page 116,

will be found a letter from Brig. Gen. Jno. P. Hatch, at Hilton Head, June 7, to Asst. Adjt. Gen'l W. L. M. Burgen, Washington, containing this request: "Will you please call the attention of the General Commanding to the necessity of an increased naval force in Calibogue Sound, since the capture by the rebels of the *Water Witch?*" The appendix to the Annual Report of Secretary of the Navy Welles for 1864, dated December 5th, contains the reports of all the U. S. officials who were required to make them on this subject. Rear Admiral J. A. Dahlgren made two reports, Lieutenant-Commander Austin Pendergrast, of the *Water Witch,* two (one written from Savannah while he was a prisoner, by courtesy of the Confederate authorities), Acting Masters Lewis West and Chas. W. Buck, Lieutenant-Commander E. E. Stone, Acting Assistant Surgeon W. H. Pierson, and Volunteer Lieutenant Wm. W. Kennington, two. The first of these is so interesting as coming from the enemy's side that it is here given in full:

From the Official Records of the Union and Confederate Armies, Series I, Vol. XXXV, Part II, Pages 137-138.

Flag Steamer *Philadelphia,*
Off Morris Island, S. C., June 17, 1864.

Maj. Gen. J. G. Foster,
Commanding Department of the South:

General: My attention has been drawn to the inclosed article, purporting to have been written by a correspondent in Hilton Head. It is asserted therein that the only person who escaped from the *Water Witch* gives information that not a shot was fired in defense. Now, the fact is that the person alluded to makes no such statement, but just the reverse. He says that there was hard fighting for half an hour, and that he noticed the captain (Pendergrast) three times on the quarter-deck encouraging his men, who were fighting briskly. He also says that the rebels came in on all sides. It was also known that the Savannah papers admitted a loss of 7 men killed and

12 wounded. The same article is equally wide of the truth in stating that the *Water Witch* was 1,300 tons and carried three 100-pounders and three 12-pounders, and was one of the fleetest and most valuable vessels for blockade in the squadron. The *Water Witch* was a small steamer of 378 tons and carried only one 30-pounder and three 12 pounders, such as are used in boats. Her full crew only amounted to 82 men, and of this small number she was 14 men short when taken, which would not have been the case if the quota of men expected from the troops of this department had been supplied; whereas not a man was received until you took command, and now only 50 to this date, which will not begin to fill deficiencies. She was a convenient vessel on account of her draught, being less than 10 feet, but it is absurd to speak of her as a fast or valuable vessel. She was of moderate speed, probably not nine knots, and was only of account in comparison with other vessels that have no steam. Her trifling armament and number of men gave her little importance.

Whatever want of vigilance may have existed, all the information we have goes to show that it was redeemed by a sharp resistance against superior numbers. The official rebel report which has reached here states that the fighting was hard.

I hope that the writer of the notice may be called to account for these statements. They are untrue and unjust to the character of the commander, officers and crew of the *Water Witch,* who, being prisoners, are unable to say anything in their own behalf; coming, too, from persons within the military jurisdiction, they so far receive sanction as to endanger ill-feelings between the two services.

I have the honor to be, very respectfully, your obedient servant,

J. A. DAHLGREN, *Rear-Admiral.*

Comdg. South Atlantic Blockading Squadron.

It seems proper to state here that "the only person who escaped from the *Water Witch*", referred to in the foregoing, was a "contraband" named Peter McIntosh.

It is strange that Admiral Dahlgren, while, like all the other interested persons so sorely felt the loss of the little steamer, after her capture changed his estimate of her value and speed. Before her loss to the United States there seems to have been no doubt that she was a favorite because of her "speed and handiness". That her loss was considered a great misfortune may be gathered from the many references to her by all of the writers, but it is brought out with stronger emphasis in the following instructions contained in an order from Acting Rear Admiral S. P. Lee, June 23, 1864, to Lieutenant-Commander Babcock, regarding operations in the Pamunkey river: "Be vigilant at all times against surprise from the enemy's boats. The recent capture of the *Water Witch,* which had the usual boarding nettings up, impresses the necessity of having wire nettings and wire ridge ropes for them, as used in the Potomac Flotilla, and these you are authorized to require for your permanent vessels. Single vessels are very subject to assault". (Naval War Records, series 1, vol. 10, p. 198.)

Commodore Daniel Ammen, in his book, "The Atlantic Coast" (page 149), forming the 2d volume of the series on "The Navy in the Civil War," thus writes of this incident:

"On June 3, 1864, the *Water Witch,* Commander Pendergrast, blockading in Ossabaw Sound, was boarded and captured, only one man (a "contraband") escaping. Seven cotton barges, carrying 150 men, approached the vessel, the night being dark and squally; they were, in fact, alongside almost as soon as discovered, and although boarding nettings were up, the vessel soon became a prize. The *Water Witch* lost 1 man killed, 13 wounded, and 2 missing. The Confederates lost their leader, Lieutenant Pelot of their navy, 8 or 10 killed, and 15 or 20 wounded".

We will now leave off any further accounts of the capture of the vessel. The reports are nearly all alike, with minor variations, none of them of sufficient importance to repeat. We have given the facts at hand in regard to the career of Liuetenant Pelot. It is proper, then, to close this article with extracts from writers who can furnish information in relation to the experience during his connection with the U. S. Navy of Commander Austin Pendergrast.

The *Water Witch* was commanded by Austin Pendergrast, who, at the time of her capture, as we have seen (as we learn from a book compiled by Lewis R. Hammersly, of the U. S. Marine Corps, and published by J. B. Lippincott & Co., of Philadelphia, in 1870, giving "The Records of Living Officers of the U. S. Navy and Marine Corps; with a History of Naval Operations During the Rebellion of 1861-5"), was appointed to the U. S. Naval Academy from Kentucky. Before entering, he was attached to razee *Independence,* of the Mediterranean squadron, then to the frigate *Columbia,* of the home squadron, and his term in the Academy began in 1854, and, as passed midshipman, he was transferred to the Coast Survey the same year. Promoted from time to time, he held a position on the frigate *Congress* at the time she was sunk by the Confederate ram *Merrimac,* taking command when, during the engagement, Lieut. Joseph Smith was killed. He was commissioned as lieutenant-commander July 16, 1862, and commanded the *Water Witch,* of the South Atlantic blockading squadron, from that time until she was captured by a party of Confederates, led by Lieut. Thomas P. Pelot, in Ossabaw Sound, on the night of June 2, 1864. The author from whom the facts just given are taken falsely states that the Confederate attacking party was "a large body of rebels".

As to the part taken by Lieutenant Pendergrast in the sinking of the frigate *Congress* by the Confederate ram *Merrimac,* referred to in the preceding paragraph, we give the folfollowing extracts from "Recollections of a Naval Officer" by Captain W. H. Parker, of the Confederate States Navy, who commanded the *Beaufort* at that time. Before quoting from

Parker, however, let us make this statement: After the death of Lieutenant Joseph Smith, of the *Congress,* and her colors were struck, Lieutenant Parker was ordered to the ship to receive her surrender, and of this incident President Jefferson Davis, in his "Rise and Fall of the Confederate Government", vol. 11, page 198, says: "The flag of the ship and the sword of its then comander were delivered to Lieutenant Parker, by whom they were subsequently sent to the Navy Department at Richmond". The words of Parker now follow:

"At midnight the *Congress* blew up. According to the report of Lieutenant Pendergrast she had been on fire from the beginning of the action; and Medical Director Shippen, who from his station would be likely to know, says: 'We were on fire in the sick bay, in the main hold, and under the ward room near the after magazine. Some of these fires were extinguished, but the most dangerous one, that near the after magazine, was never extinguished, and was the cause of the explosion, which, during the following night, blew the ship to pieces' ". ("Recollections of a Naval Officer", p. 259.)

Again, we have this statement by Parker:

"Upon my reporting the facts in relation to Captain Smith and Lieutenant Pendergrast a question was raised as to whether they were not prisoners on parole. Questions of the kind were crudely treated by our Navy Department. The Secretary himself was ignorant of naval laws, customs and precedents; and his immediate advisers were in the same category. The older officers who had served in the war of 1812, and whose experience gave them a knowledge of such matters, were not consulted by him. Those about the Secretary were men who had not seen much service in war. It was held that Smith and Pendergrast had escaped, and should either deliver themselves up or refuse to serve until regularly exchanged, I, on the contrary, insisted that they were not bound to do so. They had been prisoners, it is true—so had every officer and man of the *Congress* been; but I left them, and after the *Beaufort* left the side of the *Congress* they had no opportunity of getting back to her and they escaped to the

shore as the others did. The officers and men of the Confederate man-of-war *Alabama* escaped, after her capture by the U. S. S. ship *Kearsarge,* under precisely the same circumstances—the enemy failed to take possession of them.

"Some time after, when Pendergrast was unfortunate enough to be captured in the *Water Witch,* a question was raised in Savannah, where he had been taken, as to his conduct in reference to the *Congress* affair. I immediately wrote to Commodore Tattnall, commanding the station, completely exonerating him from any unofficerlike or improper conduct on that occasion.

"I justified his action in every particular. Commodore Barron was a prisoner at the time, and if I had held Captain Smith could have been exchanged for him; but as I have said, I did not know it was Captain Smith; not expecting to see a senior officer to the lieutenant, who said he commanded the ship. No one regretted more than I did that the result could not have been different; but I should have permitted him to return to the *Congress,* under the circumstances, if he had combined in himself the entire Smith family". ("Recollections of a Naval Officer", pp. 269-270).

The *Water Witch* was, as Scharf says, "enrolled in the Confederate naval force," but her loss to the enemy was one of those incidents which caused more than ordinary bitterness, and, for fear that she might at some time slip out and do some damage to her former owners, great care was taken to have a close watch set upon her, and she was never able to evade the vigilance of the blockaders, and she was consequently of no service to her captors. She was destroyed at the time Sherman took possession of Savannah. Pendergrast was tried by court-martial, found guilty of culpable inefficiency in the discharge of duty, in not taking necessary precautions to save the vessel from a surprise attack, and suffered the penalty recommended in his case by the court trying him.

Georgia Historical Society, Eightieth Annual Meeting

Savannah, Ga., February 18, 1919.

The eightieth annual meeting of Georgia Historical Society was held at Hodgson Hall this day at 8:30 p. m.

Mr. William W. Mackall, the president, presided, and Charles F. Groves, the secretary, acted as secretary of the meeting.

READING OF MINUTES.

The Minutes of the seventy-ninth annual meeting, held February 12, 1918, were read and confirmed.

THE PRESIDENT'S REPORT.

The president read his annual report.

REPORTS OF OFFICERS AND COMMITTEES.

Secretary-Treasurer—The report of the Secretary-Treasurer showing the condition of the finances, covering period for twelve months ended January 31, 1919, was read. He also submitted report showing the number of different classes of members, with comparison as to the number of members on the rolls of the society at the same time last year. As Treasurer of Telfair Trust Fund he read a report covering the financial operations of the Telfair Academy of Arts and Sciences during the past year. All of these reports were ordered filed.

Telfair Academy—Mr. Alexander R. Lawton, Chairman of the Managing Committee of Telfair Academy of Arts and Sciences, presented the annual report for the committee. It deals with attendance, acquisitions and exhibitions, finances, printing of new catalogues, and the death of Abraham L. Mongin, janitor for the Academy for 36 years. In respect to Mongin the society approved the recommendation of the commit-

tee that the society arrange to place at his grave a suitable headstone recording his faithful service. The report was ordered received and filed.

Finance Committee—The report of the Finance Committee was submitted by its chairman, Mr. J. Florance Minis. No action was taken on the recommendation that the society authorize the treasurer to withdraw from the savings account of the Permanent Fund a sufficient amount to liquidate current expenses in case collection of dues could not be made promptly. The report was ordered received.

Librarian—Mr. William Harden reported as librarian, so also did he render a report as chairman of the Committee on Printing and Publishing. These reports were ordered received.

Corresponding Secretary—As Corresponding Secretary Mr. Otis Ashmore submitted a report, which was ordered received.

Committee on Library—The Chairman of the Committee on Library, Mr. Otis Ashmore, submitted the annual report for the committee. It was ordered received.

APPLICATIONS FOR MEMBERSHIP.

Applications for membership were received from Mrs. Walter S. Wilson and Capt. F. D. Bloodworth, both of Savannah. By unanimous consent the rules were suspended and the secretary was authorized to cast the ballot for their election. This was done, and they were declared active members of the society.

DEATH OF SAMUEL A. GREEN, HONORARY MEMBER.

Mr. William Harden brought to the attention of the meeting the death of one of the honorary members of the society, Samuel A. Green, of Massachusetts, who died at Groton on December 5, 1918.

ELECTION OF FIVE CURATORS.

Mr. Mackall, the president, announced that the next order of business was the election of five curators to succeed Messrs. Otis Ashmore, W. W. DeRenne, H. R. Goetchius, DuPont Guerry and Alexander R. Lawton, whose terms would expire with this meeting; and in passing to this business Mr. Mackall stated to the meeting what he had previously made known to the curators, namely, that on account of his long and frequent absences from Savannah he would not permit his name to be considered for re-election as president, and that the question of selecting another president would be one of the duties of the Board of Curators.

The following named gentlemen were proposed as curators, voted upon, and declared unanimously elected curators of the society to serve until 1922:

MR. OTIS ASHMORE.
MR. W. W. DeRENNE.
MR. H. R. GOETCHIUS.
MR. DuPONT GUERRY.
MR. ALEXANDER R. LAWTON,

Adjourned.

CHARLES F. GROVES, *Secretary.*

Telfair Academy of Arts and Sciences---Annual Report of Managing Committee

Savannah, Ga., February 12, 1919.

To the Georgia Historical Society:

The Managing Committee of the Telfair Academy of Arts and Sciences submits its annual report for the year ending February 1st.

ATTENDANCE.

The attendance for the year has been 4,974 against 6,701 for the preceding year, and 12,529 for the year ended February

12, 1917. Attention was called in the last annual report to the fact that the 1916-17 attendance was abnormally large on account of the Melchers exhibit and other exhibits. The falling off in attendance as against last year is attributable to war conditions.

ACQUISITIONS AND EXHIBITS.

There were no acquisitions and no exhibits during the year. With the approval of the Board of Curators the Managing Committee carried out a policy of inactivity while the country was at war, making the Academy free of debt. and accumulating a surplus, with a view to the possibility at some time in the future of having on hand sufficient funds to acquire one or more objects of art of greater market value than those which have heretofore been within our reach. We are now without an expert art adviser. We have an excellent and creditable collection, and nothing can be lost by waiting until, from the standpoint of both finances and expert advice, we are able to add to it with intelligent discrimination.

There are now in this country many interesting exhibits of war pictures by both American and foreign artists. The committee is making inquiries and will lose no opportunity to bring one or more of them to the Academy if it be possible to do so.

Mrs. Thomas H. Bowles, of Baltimore, wishes to place in the Academy, at her own risk, the portrait of Mr. Bowles, by Gari Melchers. We are more than glad to receive it, and this valuable addition will soon be on our walls.

FINANCES.

During the year we finally paid in full, principal and interest, the $1,500 loan made several years ago by the Georgia Historical Society, and the Academy is now free of debt. We purchased a $1,000 Fourth Liberty Loan Bond. and at a cost

of $842 War Savings Certificates having a maturity value of $1,000.

Cash balance February 1, 1919	$3,273.78
Fourth Liberty Loan Bond	1,000.00
War Savings Certificates	842.00
Total cash and available securities	5,115.78
Cash balance Feb. 1, 1918	3,580.75
Increase	1,535.03
Add decrease in liabilities	1,500.00
Year's increase in net current assets	3,035.03

The annual report of the Treasurer is submitted. and shows details.

In renewing the burglar and fire alarm service we were compelled to contract at an increased price. The annual cost from May 13, 1918, is $180 per annum. The service is essential and is believed to be worth its price.

A FAITHFUL SERVANT.

It is appropriate that the committee should record the death on January 25, 1919, of Abraham L. Mongin, the negro janitor who had served the Academy for 36 years. He was conscientious, trustworthy, diligent and efficient. and it will be difficult to fill his place. The placing at his grave of a suitable headstone recording his faithful service is suggested for your consideration.

CATALOGUES.

The supply of catalogues is exhausted. A new edition of 1,500 catalogues similar to the last is now being printed at a cost of $200.

Respectfully submitted for the committee,

(Signed) A. R. LAWTON, *Chairman.*

Georgia Historical Society---Special Meeting of Board of Curators

Savannah, Ga., February 21, 1919.

Pursuant to action taken at the informal meeting of the Board of Curators on February 18th, a special meeting of the Board of Curators of Georgia Historical Society was held at Telfair Academy at 4:30 p. m. this day, for the purpose of electing officers.

Present: Mr. Otis Ashmore, Mr. T. M. Cunningham, Jr., Mr. Wymberley W. DeRenne, Mr. William W. Gordon, Mr. Alexander R. Lawton, Mr. Benjamin H. Levy, Mr. William W. Mackall, Mr. J. Florance Minis, Mr. William W. Williamson.

Absent: Dr. Thomas J. Charlton, Mr. Charles Ellis, Mr. Lawton B. Evans, Mr. H. R. Goetchius, Mr. Alexander C. King, Mr. DuPont Guerry.

Mr. Mackall took the chair and Charles F. Groves acted as secretary of the meeting.

Mr. Mackall announced that the object of the meeting was for the purpose of electing officers, and, vacating the chair, Mr. Ashmore was asked to preside, after which Mr. Mackall nominated Mr. Alexander R. Lawton for the presidency of the society. The nomination was seconded, and Mr. Lawton was unanimously elected President of Georgia Historical Society. The following officers were also elected to serve until the next annual meeting or until election of their successors:

THOMAS J. CHARLTON.....*Vice President*
OTIS ASHMORE.....*Vice President*
ALEXANDER C. KING.....*Vice President*
LAWTON B. EVANS.....*Vice President*

OTIS ASHMORE_____*Corresponding Secretary*
CHARLES F. GROVES_____*Secretary and Treasurer*
WILLIAM HARDEN_____*Librarian and Editor*

CHARLES F. GROVES,
Treasurer Telfair Trust Fund.

Mr. Lawton took the chair and presided over the meeting to its conclusion. He stated that he was deeply interested in the Society and would put forth his best efforts to accomplish results. In his remarks he touched upon the publication of the Quarterly, the condition of the finances and the matter of increasing the membership. To meet the demands made upon the treasury he stated that more active members should be put on the rolls, and that he recommended an addition to the standing committees of an active and large Committee on Membership. The meeting approved his recomendation. He said he would defer the appointment of this committee, as well as the standing committees, until he could give the subject further consideration.

NEW MEMBERS.

Announcement was made that applications for active membership had been received from Mr. and Mrs. M. F. Harden, 118 West Huntingdon street. It was moved that the rules be suspended and that the secretary be authorized to cast the vote for the election of Mr. and Mrs. Harden. This was done, and they were declared unanimously elected.

Adjourned.

(Signed) CHARLES F. GROVES, *Secretary.*

A true copy:

CHAS. F. GROVES, *Secretary.*

Queries and Answers

Navigator.—Please give me, if possible, the true date of the departure of the steamship *Savannah* from the port of Savannah, on her memorable trip across the Atlantic.

Until recently it was supposed that the *Savannah* left the city on the 20th of May, 1819; but the statement in her log-book, which has lately appeared in print, gives the 22d as the date. Notwithstanding this, there is still some doubt on this point, and we will here present the facts as recorded at the time, as well as certain other items of interest in this connection.

The *Columbian Museum* and *Savannah Daily Gazette,* of that period, carried the following items:

Wednesday, May 19.—*For Liverpool.*—The Steamship *Savannah,* Capt. Rodgers, will, without fail, proceed for Liverpool direct tomorrow. Passengers, if any offer, can be accommodated.

Thursday, May 20.—An advertisement announcing that the *Savannah* would sail that day.

Friday, May 21.—*Cleared.*—Steamship *Savannah,* Rodgers, St. Petersburgh, Russia.

Monday, May 24.—The Steamship *Savannah* left this port Saturday morning last for St. Petersburgh via Liverpool. (Saturday was the 22nd).

Tuesday, May 25.—*Memoranda.*

The Steamship *Savannah,* Rodgers, left Tybee yesterday morning (24th) for St. Petersburgh. (The *Georgian* of the same date had the same news.)

Tuesday, June 15.—*Memoranda.*

The Steamship *Savannah.* Captain Brown, of the Schooner *Union,* who arrived at New York on the 4th inst., from Madeira, spoke on the 30th of May, in lat. 38:30, long. 68, the Steamship *Savannah* from this port bound to Liverpool with all sails set, and machinery in motion.

Saturday, June 19.—Steamship *Savannah.*—When this vessel sailed we expected to hear that she would afford some amusement on her passage. The Schooner *Peace and Plenty* arrived at New York, from St. Domingo, reports that on the 28th of May, in lat. 27:30, long. 70, saw a steam vessel which, when first seen, they supposed to be a ship on fire. They immediately bore away, to render relief, but soon found their mistake, as the vessel, by the help of her sails and machinery. was soon out of sight. —*N. Y. Com. Adv.,* 8th inst.

Thursday, July 1.—*Memoranda.*

"The Steamship *Savannah* was spoken by the ship *Canton,* arrived at New York, from Liverpool, on the 5th of June, in lat. 43:30, 12 days out.

The following are items taken from the Savannah *Georgian*:

Saturday, June 26—*Steamship again!* The ship *Plato,* Gardner, arrived at Baltimore on the 17th inst., 70 days from Bremen, "spoke and passed the elegant steamship *Savannah*" on the 2nd of June, lat. 42, long. 59, 8 days out from this port. She passed the *Plato* at the rate of 9 or 10 knots, and Capt. Rodgers informed him that she worked remarkably well. The *Plato* gave her three cheers, and she returned the compliment. Success to her.

From the *Georgian,* Thursday, Aug. 19, 1819:

Steamship *Savannah.*—The British brig *Higson* (arrived at Norfolk on the 8th inst.) brings the intelligence of the arrival of the Steamship *Savannah* at Kinsale in 21 days from this port. On inquiry we found that she did not leave Tybee until the evening of the 25th of May—so if she arrived at Kinsale on the 13th of June, her passage will only have been 17 instead of 21 days. See foreign news.

LATEST FROM EUROPE.

From correspondent of the *Char. City Gaz.,* Norfolk, Aug. 10.—I have received no shipping list by this arrival but an article of great importance in the *steam world,* (if I may use the expression) is contained in the Cork paper of the 19th

of June—it is no less than the arrival at Kinsale in 21 days of the Steamship *Savannah,* from *Savannah,* laden with cotton and passengers, she put in for supplies, would remain a day or two and then proceeded for Liverpool. Previous to her putting in she was chased by a cutter under the impression that she was on fire. No further particulars are stated.

From the *Georgian,* Tuesday, Aug. 31, 1819:

Extract of a letter from Liverpool to a gentleman in this city.—"The Steamship *Savannah* arrived a few days ago, to the great astonishment of the people of this city. She came up without sails and was much admired. John Bull cannot bear the idea that Jonathan should be the first to sail across the Atlantic, by the operation of steam—but it is now too evident to be denied. It will not be like some of our scientific discoveries, the origin of which have been denied to our people, and attempts made by even philosophers to rob us of our infant fame. The report is current here that this ship is commanded by a brother of Commodore Rodgers, and is intended as a present from our government to the Emperor Alexander; and from this wise suggestion the politicians of the day have augured much importance, as "secret of ambition" covered hostility to the commerce of Great Britain.

The Columbian Museum and Savannah Gazatte of Wednesday, Dec. 1, 1819, mentioned the arrival of the *Savannah,* from St. Petersburgh, the evening before, in 50 days, adding that she brought no news.

Editors' Notes

With this number the Quarterly enters upon its third year with bright prospects for a successful career. We have received many letters of congratulation from readers of the two preceding volumes, in which the writers have expressed the hope that the Society may keep up its publication for an

indefinite period. We ask, then, that our members and subscribers encourage us in our work with their hearty support and assistance.

The year 1919 marks the one hundredth anniversary of several events of peculiar interest and importance to the people of the State of Georgia. Among these is the completion of the Steamship *Savannah,* the first vessel propelled by steam to cross the Atlantic. That vessel reached the city of Savannah in the month of April, was visited by President Monroe, who was a guest of the city at the time she was preparing for her experimental voyage, and began the trip in the month of May.

While the *Savannah* was moored to her dock, the object of wonder and curiosity to many, the finishing touches were given to that much admired house of worship, the Independent Presbyterian Church, and it was solemnly dedicated by its beloved pastor and scholarly preacher of the Gospel, the Reverend Henry Kollock, D. D., on the 9th of May, the President of the United States, James Monroe, being present. Dr. Kollock was a remarkable man, and one of the most highly respected and honored citizens who ever made a home in Savannah; and any facts in connection with his life here must be acceptable to all Georgians. At the annual meeting of the Georgia Historical Society, in February, 1879, the desk which he used daily was presented to that Society by its then owner, General Henry C. Wayne, in a letter which contained some interesting facts. As the centennial of the building of the Church is to be celebrated in a manner of more than a local character, the letter accompanying the desk, still in the Society's possession, is here transcribed:

Savannah, Ga., February 15, 1879.

General Henry R. Jackson, President Georgia Historical Society, Savannah:

My Dear General:—I have had in my possession for more than forty years the rosewood brass bound writing desk

(portable) of the Rev. Henry Kollock, first pastor of the Independent Presbyterian Church, corner of South Broad and Bull Streets, in this city. Dr. Kollock procured this desk in England, when sent over there on business connected with the Presbyterian Church, and used it daily from that time to his death. It rested, as I remember, upon a table, open, in his small study, west of and opening from his dining-room, which was the northeast room of the dwelling on the west side of Wright square, corner of York street, opposite to the court house, and now occupied by the widow and family of the late Dr. P. M. Kollock. On this desk Dr. Kollock, as I was told by my grandmother, his widow (he was her second husband), wrote his sermons. After his death my grandmother kept the desk in daily use in her bedroom, until a short time before her death, when she had it put in order and gave it to me, with two quill pens, brown with ink and age, that Dr. Kollock had used, and which she lovingly cherished. The quills have disappeared in the course of time, but the desk is identically the same in all respects as used by Dr. Kollock, except the glass silver-topped ink and sand boxes, and the name-plate, which, having fallen out, my grandmother replaced with another on which she had my name cut.

Dr. Kollock's life and reputation being so identified with Savannah and its Independent Presbyterian Church, the most perfect specimen of ecclesiastical architecture (of Saxon order) in the city, I know of no more fitting custodian in the future of his writing desk, the inanimate companion of his studies and compositions, than our Historical Society, if it will accept the trust which I now tender to the society through you.

My personal reminiscences of Dr. Kollock were few, but were so vividly impressed upon my mind by their nature as to have always remained with me fresh and distinct. Of himself, I have a shadowy vision before me of a portly figure attired in the clerical black dress of that day, long cut-away coat and vest, knee breeches, silk stockings, shoes and silver buckles surmounted by a neat white neck-tie, and florid, kindly face,

But the circumstances of his death are as clear to my mind today as at the time of their occurrence.

Awaiting the completion of his new house, then being built at the corner of Bull and South Broad, now in the possession of Mrs. W. W. Gordon, my father occupied with Dr. Kollock the house on Wright square already mentioned.

My father and mother had the north bedroom, my sister sleeping in a crib by their bedside, while I slept in a crib by the bedside of my grandfather (step) and grandmother Kollock, in the south bedroom, over the withdrawing room.

One morning Dr. Kollock, having risen and seated himself by the south window to shave, I was looking at him, interested in the process, his hand fell, and my grandmother, shrieking, jumped out of bed and ran to him. My father and mother ran in. I saw my father take the razor from Dr. Kollock's hand and lift him up, when I was snatched up and carried out of the room. Next, I remember people coming in and going out of the house crying. Escaping from the dining-room, I toddled upstairs, and through my grandmother's room into the little room leading out of it, west, where I wondered to see my grandfather lying on a low pallet, very white, a plate of salt on his breast, silver pieces on his eyes and his hands folded over his body. I could not understand it, and, while calling to him, a lady came in with a young girl, fourteen or fifteen years of age. The lady was crying, and the young girl, as soon as she saw my grandfather, threw herself on her knees by his side in a burst of grief. I wondered the more, and with a new sensation at the mass of light brown hair that fell from the young girl's head below her waist, completely enveloping her person. Was she a fairy or a girl? My gaze was fixed upon her hair, when some one picked me up and carried me off. The two, I learned subsequently, when speaking of it in after years to my mother, were Mrs. S. and her daughter, Miss Mary S.

These are my only personal recollections of Dr. Kollock, but I have heard much of him from my mother, who was

devotedly attached to him, and was his companion in many of his studies.

She describes him as very methodical, preaching only one written sermon on Sundays, in the morning, and ex tempore in the afternoon, from prepared notes. On Monday morning, after breakfast, he went to the bank for small change, and devoted Monday and Tuesday to visiting the poor and the sick. On Wednesday and Thursday he went 'round among the wealthier members of his congregation. Friday and Saturday were devoted to writing his sermon and preparing his notes for the coming Sunday. His evenings were given to social intercourse with his friends at his own house, or to regular and accidental religious services and calls. Of course I know nothing of his preaching, but I am told by those who have heard him that to a natural gift of eloquence he added a highly cultivated thought and refined manner. He died young —a little over forty, if I recollect aright—and must have been a man of unusual attainments in that scholarly age to have won the devoted affection of his people and the high reputation that adorns his memory.

My excuse for this trespass upon your time will be found in the attachment to the memory of one who, though not my ancestor, I have been taught to love and reverence as one.

HENRY C. WAYNE.

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The Georgia Historical Quarterly

Volume III JUNE, 1919 Number II

An Address by Alexander R. Lawton*

Delivered in the City Hall, Savannah, Georgia
April 21, 1919

The "Savannah," the First Transatlantic Steamship; The "John Randolph," America's First Iron Vessel; Savannah's Promotion of Transportation

The year 1819 is conspicuous in Savannah's history. It marks not only her projection of the first steamship to cross the Atlantic, but two other events far in advance of their date. In 1819 was erected the Independent Presbyterian Church, totally destroyed by fire seventy years later, but now represented on the same site by its exact replica, and universally recognized as one of the most beautiful specimens of church architecture in America. In the closing days of the preceding year the Savannah Theatre was built and opened with a play which we are to reproduce in this centennial week. The original building though several times restored and improved (partly because of a disastrous fire), continues after one hundred years to serve the city as its principal theatre. While we cannot claim for it the same distinctive characteristics as those which mark the church, it is unique as the only American theatre which has been in use for a century. We are proud that Savannah built it in 1818, but not that we of 1919 are content with it! Our present taste for historical housing clearly needs artistic stimulation.

*Unveiling of two memorial tablets commemorating the Centenary of the voyage of the "SAVANNAH", the first steamship that crossed the Atlantic, and the launching of the "JOHN RANDOLPH", the first iron vessel in American waters.

The municipality of 1819 which did these things could not be called a city. A census taken in September 1818 "showed 2,564 white inhabitants, of whom 205 were strangers," with the incidental added information "and only twelve persons ill in the city". The federal census of 1820 gives the population as 7,523. More than half were colored, substantially all slaves. The white population could not have exceeded 3,500. Slaves being no part of the economic wealth of a community, and contributing practically nothing to economic progress, it now seems incomprehensible that this small town could either gather the resources or supply the energy to carry to a successful conclusion in one year such enterprises as this historic inauguration of a trans-Atlantic steam passage, the erection of this costly and commodious church, and the inauguration of a theatre which for many years must have been far too late for the population which it served.

It would be an inexcusable trespass on your time to give here full details of the "SAVANNAH" and her voyage. Mr. Woodcroft (an Englishman) in his work on steam navigation pronounced her a myth, and as late as January 16, 1858, the *London Illustrated Times* claimed the honor of the first trans-Atlantic steam passage for an English vessel and said that it was forced into the belief that the "SAVANNAH" was "merely an afterthought of the Americans"; but the facts are indisputably established. Not only do the English papers of the day give contemporary accounts of her, but the American Minister at London officially reported her arrival to the Secretary of State. She was built at Corlear's Hook, N. Y., by Crocker and Fickett; was of 380 tons burden; was launched Aug. 22, 1818, and thereafter converted into a steamer, with the adjustable paddlewheels of which so much has been said. She sailed from New York to Savannah in April 1819; made a voyage from Savannah to Charleston and return; and finally sailed from Savannah for Liverpool on May 22, 1819, leaving Tybee on May 24. The original log book preserved in the United States National Museum gives only the usual brief

sailor-like entries.* She burned wood, but carried and used a little coal. Because of her inability to store enough fuel, and apparently for no other cause, she used steam for but eighty hours of the twenty-nine days and eleven hours from Savannah to Liverpool, the longest continuous period being eighteen hours. But on her voyage from Liverpool to St. Petersburg, where replenishment of fuel was practicable, she used steam for 239 hours (or about ten days out of thirty-three) with two continuous periods of fifty-two hours each. So far as the records show, nothing occurred on the entire round trip to condemn the practicability of her construction with the adjustable paddlewheels, and with an ample supply of fuel she apparently could have made the entire voyage under steam.

Before she sailed from Savannah, President Monroe, who was in the city, took the round trip to Tybee on the "SAVANNAH", and, on the authority of an affidavit of Stevens Rogers, the sailing master, advised Mr. Scarbrough to eventually bring her to Washington "for he thought there was no doubt the Government would purchase her and employ her as a cruiser on the coast of Cuba". She did go to Washington, but the Government did not purchase her. The historic voyage was unprofitable. Her engines were removed and her owners sold her. She ran for awhile as a sailing packet between New York and Savannah, and finally was lost on the Long Island shore in November 1822.

It was nearly ten years before a second steamer crossed the Atlantic. In 1828 the steamer "CURACOA" was built by the Dutch for trade with the West Indies and made two voyages. She also proved an unprofitable venture and was taken out of the trade. The third steamer to cross the ocean was the "ROYAL WILLIAM" (British) in 1833.

*See the elaborate and interesting account "The Log of the Savannah" by J. E. Watkins, Curator of the Section of Transportation and Engineering, in the Report of the U. S. National Museum for year ending June 30, 1890 (Washington, 1891), pp. 611-639, with illustrations; also Thomas Gamble's articles in the Savannah Morning News, Dec. 10, 1916 and March 31, 1919; also Admiral G. H. Preble's Chronological History of the Origin and Development of Steam Navigation (Phila. 1883 and 1895). A cylinder of the "Savannah," and later also the original Log Book were exhibited at the Crystal Palace Exhibition, 1853-56 in New York, not London, as often stated.

The era of trans-Atlantic steam navigation may be said to have been fully inaugurated in the trans-Atlantic race in 1838 between two British ships, the "SIRIUS" and the "GREAT WESTERN", but Morrison in his History of American Steam Navigation tells us that there was no steamship "owned or run by an American Company that navigated the Atlantic ocean to a port in Europe until 1847", when the well-known Collins Line was established, beginning with the steamships "WASHINGTON" and "HERMAN". For ten years this line had the benefit of a mail-carrying contract with the United States Government* which was practically a subsidy, but when this was withdrawn in 1858 the effect was so disastrous that the line was discontinued.

William Scarbrough, the principal promoter of the "SAVANNAH", was no ordinary man. He was a descendant of Josiah Cotton, a college president and minister who in 1633 flew from Boston, England, to Massachusetts to avoid religious persecution, and is credited with having given the name of his native place to the great New England city. Scarbrough was born in South Carolina a few months before the date of the Declaration of Independence. After a liberal education at the University of Edinburgh he became a large planter, and a great merchant in the then small city which honors his memory today. The dignified and handsome residence which he erected here in 1804 still stands. How appropriate that this home of an educated gentleman, a leader in all that makes for the public good, should eventually find its place as part of the educational system of the city he loved so well, and particularly that it should be specially devoted to the education of the race which he knew only as slaves, and whose future as freeman he could never have foreseen.

It has been said that the losses incurred in the trans-Atlantic venture bankrupted him. But this does not seem probable, as he was reputed to be a man of large wealth. It is easy to find other causes. In 1820 Savannah was visited by a

*See the Remarks of Mr. T. Butler King, of Georgia, on Steam Mail Packet Service; delivered in the House of Representatives of the U. S., July 19, 1848 (Washington, 1848, p. 16).

disastrous yellow fever epidemic, a storm which did great damage, and a fire which destroyed practically all the business portion of the town. The damage was so great and the loss so serious that she received large and generous contributions from cities all over the United States to relieve her distress. Insurance was not so common in those days as it is now; and it would be more natural to attribute the financial fall of this pioneer merchant to these causes than to his venture in trans-Atlantic steam navigation.

Moses Rogers was one of those hardy, bold, resourceful New England mariners, who in the first half of the nineteenth century gave to America "The Heritage of Tyre", carried her mercantile marine to every port in the seven seas, and almost monopolized the ocean sail transportation of the world. Born in New London, Conn. during the American Revolution, he soon took to the sea. He was not only a skillful navigator, but had a technical knowledge of the marine engine of his day. He is alleged to have commanded the "CLERMONT", Fulton's first steamer on the Hudson river, but this cannot be verified. It is clearly established, however, that he did command the "PHOENIX", built in 1808 by the well-known Stevens family in Hoboken, which sailed from New York to Philadelphia, navigating the Atlantic from Sandy Hook to Cape May, and which was the first vessel to navigate the ocean by steam. It was probably this experience that gave to Moses Rogers the dream of trans-Atlantic steam navigation which he realized eleven years thereafter.

When the "SAVANNAH" returned to her home port in 1820, Moses Rogers, who was able to boast that during his historical voyage of many thousand miles "neither screw, bolt, or rope yarn parted," formed a connection with a company engaged in river navigation at Georgetown, South Carolina. He survived his return to America less than two years, and died at Georgetown at the age of forty-two.

Stevens Rogers, sailing master of the "SAVANNAH", a brother-in-law, and perhaps a blood relative of Moses Rogers, and ten years his junior, survived this historic voyage for

nearly fifty years, and his tombstone in the cemetery at New London, Conn., displays a sculpture of the "SAVANNAH" with her conspicuous paddlewheels, with a brief appropriate narrative of the most conspicuous event of his life.

Moses Rogers became a resident and citizen of Savannah as an incident of his occupation as a navigator. He first arrived here in December 1817 in command of the steamboat "CHARLESTON" regularly plying as a passenger and freight vessel between Charleston and Savannah. Thomas Gamble, who has dug from the files of old newspapers and other sources many interesting facts about the "SAVANNAH" and her master, notes that Joseph Habersham, an incorporator and a director of The Steamship Company, was a passenger on Captain Rogers' first voyage to Savannah; and he plausibly suggests that the first plan for the historic ship grew out of this contact of the mariner and navigator with the merchant and capitalist. The enterprise required a mariner who knew not only what a ship should be, but what her engines should be; a merchant to devise and handle the commercial features of the voyage; and capitalists to provide the necessary funds. To these qualifications of experience, knowledge and resources must be added in both cases a spirit of progress and the courage and boldness which are a necessary adjunct of all new enterprises; willingness of the one to risk his reputation and his life, of the other to risk his reputation and his fortune. To meet this want, Savannah was able to supply William Scarbrough and his associates and also Moses Rogers. That it was not only one Savannah merchant and capitalist, but many who promptly took this great risk which proved so unprofitable, excites not only our admiration for the enterprise and the boldness included in the small population, but our wonder that, given the will to venture, the capital could be found here. To William Scarbrough and his associates and to Moses Rogers are due full credit and honor for this bold enterprise. According them to the one take nothing from the other. Scarbrough was not a mariner; Rogers was neither a merchant nor a capitalist.

Moses Rogers moved to Savannah in 1817. Savannah then as now cordially invited and heartily welcomed additions to her population. From the moment a new citizen comes to live among us we know no difference between him and those whom he found there. In the heat of political campaigns I sometimes hear arguments which do not fully sustain this statement; but I hope it is true. Moses Rogers was of Savannah, and we claim not only the glory that was Scarbrough's, but the glory that was Rogers', and on this centennial occasion Savannah honors the memory of her two pioneer citizens that glorified her name in the farthest corners of the world.

A writer in a New York paper of April thirteenth claims the credit for New York because the ship was built at Corlear's Hook. He would transfer credit for the "CLERMONT" from Robert Fulton to the iron works that built the engines under his design and the ship yard that built the hull; for the clipper ship from John Willis Griffiths, her designer, to Smith & Dimon, owners of the yard which built and launched the "RAINBOW" on Griffiths' design; for the "BON HOMME RICHARD'S" brilliant victory gallant John Paul Jones to the French shipbuilder who constructed her.

An act to incorporate The Savannah Steamship Company was approved December 19, 1818. The corporators were William Scarhorough (*sic*), A. B. Fannin, J. P. McKinne, Samuel Howard, Charles Howard, John Haslett, Moses Rogers, A. S. Bullock (*sic*), John Bogue, Andrew Low & Co., Robert Isaacs, I. Minis, S. C. Dunning, J. P. Henry, John Speakman, Robert Mitchell, R. & J. Habersham, James S. Bullock (*sic*), Gideon Pott, W. S. Gillett and Samuel Yates, all of Savannah.* The directors were William Scarbrough, Robert Isaacs, S. C. Dunning, James S. Bulloch, Joseph Habersham. The capital stock (not named in the charter) was $50,000.

The hazardous nature of the enterprise seems to have been well understood and frankly avowed. The charter recites that the incorporators were seeking a charter "with a view of making a laudable and meritorious experiment", and refers to

*Acts of 1818, p. 187, and Lamar's Digest, p. 523.

their "sanguine expectations". It is probable that these were not based on their knowledge of trans-Atlantic navigation or trans-Atlantic commerce. They can be explained by the wonderful returns from boats on the Savannah river, the stock of an existing company selling at many times par value. On the same day on which "The Savannah Steamship Company" was chartered, the legislature also chartered "The Savannah River Navigation Company" with a capital stock of $600,000, for the navigation of additional boats on the Savannah river. The stock in the two water ventures was offered for subscription in Savannah at the same time and was all taken immediately.

While we lack fifteen years of reaching the centennial of the "JOHN RANDOLPH", also commemorated by a tablet unveiled this day, her history is another evidence of the pioneer enterprise of Savannah in transportation, particularly in water transportation. She was clearly the first iron ship in American waters; ar THE GEORGIA HISTORICAL QUARTERLY uilt, owned and operated in Savannah. I say built in Savannah notwithstanding the fact that her plates were made by the great shipbuilder, John Laird (well known as builder of the Confederate cruiser "ALABAMA"), and shipped to Savannah where she was constructed, being launched July 9, 1834. She was a "fabricated" iron steam boat, as are the steamships now being turned out in large quantities from the Hog Island Shipyard (the largest shipyard in the world) and many others, where not only the plates, but nearly all of the structural pieces going to make up the vessels, are fabricated at other points and shipped to the yard, and there put together and launched. In 1834 Savannah could not produce the steel plates, and the facilities for producing them anywhere in the United States were so inferior that Savannah's enterprising citizen, Gazaway B. Lamar, naturally, if not necessarily, went abroad for them.

Mr. Lamar was for many years a leader in business in Savannah and an active participant in all her more important enterprises. He closed his career in New York as president of the Bank of the Republic, a bank of much importance today.

Looking for the best, willing to take risks, he was not appalled by the fact that iron boats of any form were new and untried. The first iron steamboat, and probably the first iron boat of any kind, that the records show, was the "AARON MANBY", launched in 1820 and named for her builder. She was likewise a fabricated ship, being constructed at the Horsley Iron Works in sections, sent to London, and put together in dock. She was not broken up until 1855 after thirty-five years of service. Mr. Lamar probably knew of her, for at the time of the launching of the "JOHN RANDOLPH" she had been in service for twelve or thirteen years.

We have but few particulars of the "JOHN RANDOLPH". She was built for Savannah river traffic, where an iron boat with lighter draft than could be obtained with wood construction was very desirable. The *Georgian* of July 10, 1834, says "she is a beautiful model of a boat and sat as lightly on the water as a duck". She was advertised to "go all the way by steam" and to go "with two tow-boats", (clearly meaning "tows"), and her sailing, probably on August sixteenth, is announced in the *Georgian* of Tuesday, August 19, 1834.

Whether she was ultimately successful and how long she continued in service we do not know; but Savannah can look with great pride on the act of her enterprising citizen who to her earlier glory as projector of the first steamship to cross the ocean, added that of being builder and owner of the first iron boat constructed or even seen in American waters, a feat which was entirely and solely a Savannah enterprise. Here, at least, we have no dispute as to where credit and honor are due.

Savannah is essentially a port. Situated on the flat coastal plain, not surrounded by rich agricultural lands, center of a circle of which one-half is the boundless ocean, she has little or no back country as a local territory. For her prosperity and her growth, for her contribution to the general advance in the trade and commerce of the country, her chief business has been and must ever be the water traffic which she handles locally and the rail-and-water traffic which passes over her wharves.

Except for the splendid river on whose bank she sits, nature gave to her as a port no advantages over her neighbors; and the development of rail traffic has practically neutralized the advantage of the river. Nature gave her a narrow tortuous and uncertain fourteen-foot channel of eighteen miles to the sea. Awakening early in her history to the importance of the improvement of her harbor, contributing to its development to the extent of her ability, she has received the benefit of large appropriations from the Federal Government which have resulted in a splendid deep channel and steady growth of her water tonnage. Mr. Burton of Ohio (afterwards Senator Burton), who so long and so ably filled the important position of Chairman of the River and Harbor Committee, told a Savannah delegation several years ago that there was little difficulty in getting for Savannah appropriations recommended by the Board of Engineers, because statistics showed that Savannah's water commerce always promptly responded to every increase in the depth of water, to every improvement in the harbor. Her enterprising merchants have always taken advantage of what was given them.

It is interesting to note an early evidence of appreciation of the rapidly growing importance of the combined rail and water traffic which moves up and down the Atlantic coast. The preserved records of Savannah's first railroad, completed to Macon in 1841, show that as early as 1848 the railroad corporation was the owner of stock in a steamship company operating between Savannah and New York; and one of the first cases of resumption of business between the sections which had been interrupted by the war between the States was the accounting of persons in New York to this same railroad company for large interests in coastwise steamship properties which it had owned in 1861, and for which it collected a large sum in 1866.

Savannah's position as a pioneer in ocean steam navigation was but the forerunner by a few years of her remarkable record in promoting other methods of transportation. In the decade succeeding that which was closed by the voyage of the

"SAVANNAH", came the promotion of a canal to connect the Savannah, the Ogeechee and the Altamaha rivers. The records of the city government record many cases of financial assistance to this enterprise, which finally resulted in the completion and the operation for several years of a thirteen-mile canal to the Ogeechee river. This unfortunate transportation corporation is now dead, and its canal (finally acquired by the city) is no more; but in one element of corporate adventure, it was truly a pioneer. We think of corporate "re-organizations" as products of the last quarter of the nineteenth century, but this limping enterprise, whose history until its final closing shows many alternating periods of operation and shutting down (with the latter strongly predominating), also furnishes in 1837 the first instance I have found of the "re-organization" of an insolvent corporation.

But as Savannah had not been content with transportation by sail across the water she was not content with transportation by canal boat across the land. It was but a few years after Stephenson had first propelled railroad cars by steam that she reached out for transportation to the interior. She was already operating profitable lines of steamboats on the Savannah river to the head of navigation at Augusta. Some doubt as to the practicable feasibility of rail transportation by steam is expressed in the first effective charter obtained for a line to Macon. This doubt is shown in the title of the corporation, "The Central Railroad and Canal Company," chartered in 1833, with the right to construct either a railroad or a canal as might be found most expedient. Macon was also interested in this enterprise, but when two years later the charter was changed by the elimination of the canal, by the addition of banking privileges, and the change of name to "The Central Railroad and Banking Company of Georgia", Macon's interest had disappeared and it was distinctly a Savannah enterprise. There stands in Wright Square a handsome monument to William Washington Gordon, who resigned the mayoralty that he might as a member of the legislature more successfully promote this charter, and who as first president of the new cor-

poration died in its service just before the completion of the line, a victim of the diligent discharge of his duties. Savannah has thus shown that her appreciation of her heroes is not confined to those who have distinguished themselves on the field of battle or in the realms of statesmanship, but is freely accorded to her enterprising and patriotic citizens who have given their labors, their fortunes, and if need be their lives, to the development of the material resources of the country and the improvement and betterment of their fellowmen.

All difficulties were overcome, and the new railroad was built. For many years the main line of "The Central Railroad and Banking Company of Georgia", 191 miles long, (now constituting the backbone of the 1,900-mile system of Central of Georgia Railway Company, with Savannah as its only port), was the longest railroad in the world. The municipality, though never owning the majority of its stock, was practically its most influential stockholder. She invested in it not less than $1,000 THE GEORGIA HISTORICAL QUARTERLY ge indebtedness. Through the wisdom of the city council, when and as a favorable market presented itself the stock was from time to time sold, and the bonds retired with a small profit to the city.

She was a large subscriber to the stock of the Southwestern Railroad Company, the Augusta and Savannah Railroad, and other railroads in Georgia now constituting part of the Central of Georgia, and still preferentially directing their traffic to the wharves of their foster mother. In all of these cases the financial results were equally satisfactory. But she had one disastrous financial experience in the promotion of her commerce. She was a heavy subscriber to the Atlantic and Gulf Railroad, now a prosperous and profitable part of the Atlantic Coast Line System, running across the State near the Florida line. It was not a profitable venture for the original investors, and when it went through bankruptcy the municipality was still a large stockholder, with a large amount of bonds issued against the subscription still outstanding. That the city lost heavily in this enterprise is due to an interesting incident in the development of our economic policy and our laws. In

1868 she made a contract for the sale of this and other stocks on favorable terms, which included the assumption and payment of all her outstanding bonds that had been issued for railway stock subscriptions. Dissatisfied stockholders of the Southwestern Railroad Company and The Central Railroad and Banking Company, the proposed purchasers, successfully enjoined the sale. The contract was cancelled, most of the stock involved became worthless, and Savannah lost a million and a quarter dollars.

"Big Business" today would be astonished to read the frank resolutions of the Southwestern Railroad Company presented to the city council as authority for the proposition:

> *"Whereas,* The consummation of those propositions contemplate an amicable and just settlement of the present *unhappy and ruinous competition* on the part of the Atlantic & Gulf Road for business legitimately belonging to the Southwestern and Central Railroads:
>
> *"Now Therefore,* Relying upon the good faith of the city of Savannah, to protect as far as possible the investments already made in the great channels of commerce terminating at the port of Savannah *by refraining from fostering other competing lines,* and for the purpose of rendering the lines now in existence not only self sustaining but profitable—disclaiming all antagonistic feeling, and desiring to contribute, as far as possible, to the commercial wealth and prosperity of Savannah, be it
>
> *"Resolved,* &c."

It would be difficult to find a modern instance of so frank an avowal by big business of its intention to limit, if not wholly to suppress, competition. That such frankness does not pay will appear from the decision of the Supreme Court of Georgia (*Central R. R.* vs. *Collins,* 40th Ga. 583), which by a vote of two judges against one sustained the position of the objecting

stockholders. If not the first, it is one of the first formal decisions which have so firmly imbedded into American law the basic principle that public service corporations may not suppress competition.

This decision also shows the importance which was attached, even as late as 1868, to inland river transportation. Of the two lines which were held to be competitive, one runs northwest and west from Savannah through Macon to the Chattahoochee river at Eufaula and Fort Gaines, the other from Savannah southwest to the Flint river, a tributary of the Chattahoochee, at Bainbridge. The rail connection between the two was treated as negligible, but the suppression of competition was expected to come from the throttling of transportation on the Chattahoochee river, treated by the court as a great highway of commerce. About thirty years later, in another case (*Dady* vs. *Ga. & Ala. Ry.*, 112 Fed. Rep., 838) involving a similar question, another high court in analyzing competitive conditions between two other railroads, both reaching from Savannah to the Chattahoochee river and more nearly parallel than were the earlier roads, treated the river commerce as insignificant and immaterial.

I have sketched some, but not all, of the transportation enterprises which are the result of Savannah's progressive activities because they teach us that it was no haphazard accident that made the small town of 1819 the successful projector of the first steamship to cross the ocean, and fifteen years later of the first iron vessel in American waters. Realizing from the beginning that her interest lay in establishing and maintaining herself as an important station, intermediate and terminal, for the transportation of the commerce of the state, the nation and the world, she has persistently and consistently, sometimes with great money loss, always with the risk of it, seen to it that she was well provided with rail and water lines ample for her needs. She has had no small part in the building up of her state and her nation, and as a transportation centre she is reaping her reward. Today she is served by the four largest railway systems in the South, all well provided with

ample terminals. Though limited by the ocean to only a half circle of adjacent territory, ten railway lines radiate from her stations, of which but three may be described as "short lines". An important and successful coastwise steamship line bears her name and claims her as a home port. This line has recently built at large cost a modern pier and terminal of great size, recognized as probably the best in America. The great war has distorted all navigation statistics, but in normal times the ships of all nations, steam and sail, line her wharves to bear to the uttermost parts of the earth the commerce which her rail lines have brought from the interior.

For the past thirty years her foreign commerce has grown steadily, and she has gradually outdistanced her competitors as a port. In 1910-'11-'12 the value of the foreign exports from Savannah exceeded the value of the foreign exports from all other South Atlantic ports combined. This means that in normal times her foreign business was greater than the combined foreign business of Norfolk, Newport News, Wilmington, Charleston, Beaufort, Brunswick, Fernandina and Jacksonville.

In 1912 the value of her foreign exports was exceeded only by that of New York. Savannah was second, with Baltimore, Boston and Philadelphia following behind. In 1913-'14-'15 the value of the water borne commerce, foreign and domestic, through the district of Savannah exceeded that of every other district except New York and Philadelphia. Between 1904 and 1914 (the last year for which statistics are available) the foreign exports from Savannah increased 105.5% while those of New York increased 70.5%; and from 1884 to 1914 Savannah's increase was 454.75% while that of New York was 162.25%. These figures were not approached by any other port.

It is impossible to eliminate from the causes which brought this supremacy the persistent encouragement and assistance always given to transportation enterprises; and today we commemorate the spirited activity and courage of the little embryo city which gave them birth.

The city of which I speak is not only the little Savannah which carried out the three enterprises whose centenaries are now commemorated, and which projected the first iron vessel ever seen in American waters, but is the Savannah which was foremost in the building of the some time longest railroad in the world, and the establishment in connection with it, of a large and important bank; the Savannah which subscribed near two millions of dollars to the capital of this and other important railroads; the Savannah which converted a site of naturally unsanitary surroundings into one of the most healthful cities in the country, with a low death rate; the Savannah which from her founding to this day has never seen an insolvent bank close its doors; the Savannah which forty years ago, more than decimated by pestilence and overburdened with debt incurred through her unprofitable railroad venture, successfully struggled with and avoided impending bankruptcy; the Savannah which, notwithstanding the difficulties of this struggle, continued from year to year on her march of progressive municipal improvement; the Savannah whose debt, nothwithstanding these improvements, is today less than it was forty years ago; the Savannah who in the race for foreign commerce has so far outstripped all other South Atlantic ports, and many of her more pretentious competitors.

These things have our forefathers and our predecessors done. The benefits and advantages which come from their work are ours, but with them come corresponding obligations. Ours is the duty to emulate their virtues and to follow their example. Let us not make this centenary an empty form. Let us seriously reflect on what these others have done, and here and now firmly resolve that their work shall not prove to have been in vain, and that, proud as we are of their achievements in the past, we shall by united and determined action endeavor to excel them. Today must be better than yesterday, and tomorrow better than today.

An Address

In the City Auditorium of Savannah, Ga.
April 21, 1919

By HON. E. E. ROGERS

Mr. Chairman, Your Excellency the Governor, Your Honor the Mayor, Ladies and Gentlemen of Savannah:

It has been the privilege of Mrs. Rogers and me to attend many public occasions, but never have we journeyed so far in response to so gracious an invitation, nor with keener anticipation, than to this celebration.

As the official representative of the city of New London, Conn., by direction of the city council, I am pleased to convey to the people of Savannah the heartiest greetings from the citizens of New London, with their best wishes for the success of this Centennial, celebrating as it does the first trans-Atlantic voyage by steam.

New London and Savannah are associated historically. Both were captured during the Revolutionary War. Your Sergeant Jasper sealed his patriotism with his life. Within a few rods of my residence in New London stands the school house where Nathan Hale resigned as principal to accept his commission in the Continental Army, which service he sealed with his life, regretting that he had but one life to lose for his country. After reading your traditions and history and seeing your historic memorials on every side, I must pay a word of tribute to your patriotic women of such societies as The Colonial Dames, Daughters of the American Revolution, and United Daughters of the Confederacy, and others who have been instrumental in erecting such memorials, and I will do this in the words of Georgia's historian Lamar when referring to the patriotic women of Georgia, he said, "Whose unwearied efforts to rescue from oblivion the fading records of your great commonwealth, have made them, in a peculiar sense, the guardians of Georgia's immortality."

A few minutes ago I learned the Jasper Memorial was organized and successfully completed by your local historian, Gen. Meldrim.

Savannah and New London have been associated commercially. One hundred years ago the wealthy and enterprising Savannah merchants lead by William Scarbrough financed the building, equipping and trans-Atlantic voyage of the S. S. SAVANNAH. It was one of the most patriotic, commercial undertakings ever financed by the citizens of any municipality and is deserving of the highest praise.

New London is pleased to have had a share in this great undertaking by furnishing Captain Moses Rogers, commander of the ship, and Captain Stevens Rogers, the sailing master. While the ship was built in New York, yet the crew was shipped from New London. I am simply a relative of the Captains Rogers (the press reports me a descendant) having descended from the same New London ancestor, in which city the Rogers family has lived for 264 years. Judge and Mrs. Arthur P. Anderson have come with us and Mrs. Anderson is the great-great-niece of Captain Moses Rogers.

Felicitating you on the great honor which is yours, and congratulating you on the superb enterprise of your people of today, it is a delight to be present with you.

The Loss of the Steamer Pulaski

By MRS. HUGH McLEOD (Miss Rebecca Lamar)

An account of the disaster so graphically described in the following paper, by a gentleman whose name was not given, was published in 1854, in the Rev. George White's "Historical Collections of Georgia." The sketch here given was written by one of the survivors of the wreck, Miss Rebecca Lamar, not for publication, and in the preparation of it she consulted two of her fellow passengers, Mr. James Hamilton Couper, of Georgia, and Major J. B. Heath, of Baltimore. Miss Lamar afterwards married Hugh McLeod, who graduated at the U. S. Military Academy in 1835, entered the U. S. Army as 2nd Lieutenant, resigned to join the Texan forces in their struggle with Mexico, commanded a company in the battle with the Cherokees in 1839; later became a lawyer; entered the Confederate Army in 1861, attained the rank of Colonel, and died in Dumfries, Va., January 2, 1862.—*Editor.*

The steam packet "PULASKI", Captain Dubois, sailed from Savannah on Wednesday, June 13, 1838. She arrived at Charleston the afternoon of the same day, and left Charleston the next morning. In the afternoon the wind was fresh from the east, and produced a heavy sea which retarded her progress and required a full pressure of steam. At 10:30 P. M. the wind continued fresh with a clear star-light, and there was every promise of a fine night. At 11 o'clock the starboard boiler exploded with a tremendous violence, blowing off the promenade deck above and shivering the starboard side about midship; at the same time the bulkhead between the boilers and forward cabin was stove in, the stairway to it blocked up, and the bar-room swept away. The head of the boiler was blown out, and the top went fore and aft. In consequence of the larboard boiler and works being comparatively uninjured, the boiler keeled to that side and the starboard side was kept out of water except when she rolled, when the sea washed in at the break. The boat continued to settle rapidly, and in about forty minutes the water had reached the promenade deck above the ladies' cabin. Previously to this period the ladies, children and the gentlemen who were on the after part of the boat were placed on the promenade deck. About the time the water reached that point the boat parted in two with a tremendous crash, and the bow and stern rose somewhat out

of the water, but the latter again continued to sink until the water reached the promenade deck, when it separated into two parts, upset and precipitated all on it into the water. Many then regained the detached portions. The cause of the disaster was obviously the neglect of the second engineer in permitting the water to boil off in the starboard boiler and then letting in a full supply of water on the heated copper.

Passengers, so far as their names are known, inhabitants and residents of Savannah:

Dr. John Cumming, lady and servant; Samuel B. Parkman, Esq.; Misses Authexa, Caroline and Theresa Parkman; Master Whitney Parkman; Dr. P. H. Wilkins, lady and son, Francis; Mr. Robert Hutchinson, lady, two children and servant; Mr. G. B. Lamar, lady and servant; Misses Martha, Rebecca and Caroline Lamar; Masters, Charles, William, Thomas and George Lamar; Mrs. William Mackay, two children and servant; Mrs. John Wagner; Colonel William Robertson; Captain R. W. Pooler and son, Robert; Messrs. George Huntington, B. W. Fosdick, Sirman Miller, A. Hamilton, L. Bird, Samuel Livermore, A. Stansfield, R. Brown, W. W. Foster, C. Ward.

Colored women—Jenny, Priscilla and Sallie Middleton.

Inhabitants of other places who embarked at Savannah:

Mrs. Nightingale, child and servant; Mrs. Fraser and child; Colonel W. A. Dunham and lady; Rev. I. L. Woart and lady; Dr. J. E. Stewart, lady and servant; Rev. E. Crafts; Mrs. J. E. Taylor, Misses Rebecca and Eliza Lamar; J. H. Couper, Esq.; Major J. P. Heath, Dr. Thomas F. Ash, Messrs. H. Eldridge, H. N. Carter, A. Lovejoy, A. Burns, Wm. A. Stewart, Farquhar McRae, C. Hodson.

Embarked at Charleston:

Mr. Ed. J. Pringle, lady, child and servant; T. P. Rutledge and lady; H. S. Ball and lady, child and servant; B. F. Smith and lady; Rev. S. S. Murray, lady and four children; Mr. G. S. Davis and lady; Mr. J. Lengworth and lady; Mr. Eddings, lady and child; Mr. N. Smith, lady and child; Mr. Hubbard, Misses Evans, Mr. Merritt, lady and child; Miss

R. W. Freeman, Judge Wm. B. Rochester, C. B. Tappan, Judge S. A. Cameron, Master T. Whaley, Captain Daniel Britt and lady, J. D. Twiggs, Mr. Coy, lady and child; T. Dowaie, Major G. L. Twiggs, Lieutenant Thornton, U. S. A.; Misses E. Drayton, Rutledge, Heald, Trassier, Michel, Clark, Greenwood; Messrs. R. Seabrook, S. Keith, R. D. Walker, E. W. James, Joseph Anse, Bennett, C. W. Clifton, B. L. Greenwood, E. W. Innis, W. C. N. Swift.

THE WRECK OF THE "PULASKI".

The "PULASKI" was born of a wreck. In the autumn of 1837 the "HOME", a packet steamer plying between Charleston and New York, returning South, was lost on the coast of North Carolina. She had many passengers, the majority of whom were lost—among them some prominent persons. This calamity was deeply felt, particularly at the South. The insecurity of the traveling public was never so apparent, and those whose habit it was to go North with their families in summer deemed it incumbent upon them to insure against a similar recurrence, if possible. The subject was discussed among prominent merchants of Savannah, which resulted in a joint stock company for the building of a boat of greater strength and speed, to ply between Savannah and Baltimore touching at Charleston, remaining over night, and leaving at 6 A. M., and would the following morning reach Baltimore to breakfast, "being only one night at sea". The boat was built and named "PULASKI". Her officers and men were duplicated. Those who served in the day rested at night. The steamer had made three successful voyages, meeting the expectations of the company and her passengers, who, on their arrival in Baltimore, tendered complimentary cards to Captain Dubois, her commander.

Captain Pearson was the sailing master. My brother was a stock-holder, and, knowing that I intended going North, invited me to go with him and his family on the fourth voyage of the "PULASKI". Having a natural dread of the sea, and the "HOME" so fresh in my memory, I declined the invitation.

In reply, he said, "Were you to see the boat, you would not refuse." Just after, I received a letter from a friend, inviting me to visit her—"Come, but not by sea." This confirmed my resolution. A special duty called me to Savannah some time before the family would leave. My brother's house had been my home for several years before his removal to Savannah, and the strong attachment mutually subsisting had known no diminution. The pleasure of being again with the family! I was next to the parents in the affection of the children, and whom I loved not much less. My fears had not abated, but the reputation of the steamer and my wish to be with the family decided me, and my passage was engaged, without persuasion, and without my having seen the boat.

The day—13th June, 1838—when the "PULASKI" would leave on her fourth voyage, arrived. A pleasant breeze was blowing that tempered the heat and made it feel like Spring. The passengers were from the elite of the city. Sojourners returning to their distant homes, and others from farther South and West, assembled on the deck, presenting a picture of unusual brightness; so many happy faces animated by hope and expectation. She inspired confidence. She appeared so strong, and looked so comfortable.

The partings over, the steamer sped on her way. We reached Charleston at the usual hour for her arrival, long before the sun went down. The passengers generally went ashore. Our party remained aboard, and sought the shady side of the boat, as the heat began to be felt for the first time during the day. Seated on a settee we saw two ladies, one supporting the other who seemed fainting, while a gentleman stood fanning her. Just then my brother appeared, followed by a gentleman carrying some iced syrups. Perceiving the condition of the lady, refreshments were offered the party who accepted the timely offer with many thanks. The gentleman also had the appearance of an invalid, and the look of a clergyman.

The "PULASKI" was a low pressure boat. She was built differently from the sea steamers now. She was broad, and

sat low in the water. No ladies' cabin was built on the stern of the boat. Outside the cabin were projetcions called "guards", and were a part of the continuations of the main deck. Opposite the door of the ladies' cabin, with twenty feet of space between, was the captain's office, or state-room, on each side of which, with a passage between, five feet in width, were the closets for china, glass and butler's pantry. Behind these closets, opening on the passages, were two state-rooms opening on the east side of the boat. In the rear of these rooms were the wheels, the passages continuing to the bow. My brother's wife, three children and nurse occupied one of the state-rooms. His oldest daughter, not sixteen, Eliza, her cousin, not seven, and the daughter of my oldest brother and my especial charge, occupied the other with me. Opposite my state-room door there was a stairway leading to the lower deck. There was another cabin at the bow. As the passage opened on the bow, on either side were stairways leading to the upper deck which roofed all the boat I have described, except the bow.

After tea Miss Parkman and I went upon the upper deck, and she pointed to two little boats covered with canvas, or tarpaulin, with oars alongside each, and said: "In the event of an accident I would prefer clinging to the steamer rather than get into one of them. The sea may have opened the seams and caused them to leak." My fears had vanished as my feet pressed the deck of the "PULASKI"; and now the conversation did not trouble me in the least; but I agreed with her in what she said. Yes, I too, would remain on the steamer in preference. There were so many of us that the captain, after leaving Charleston, offered his state-room to my brother, remarking that he never slept at sea. We did not know of the offer, nor did I know where the boys slept. My apprehensions left so entirely I never thought of inquiring, nor do I believe their mother knew. The state-rooms were large, containing every convenience. Three large berths each, the bottom one on casters so as to make more space between the other two, consequently the lower one had to be drawn out after shutting

the door, as it occupied nearly the width of the floor. There was a large window seaward and opening over the door opposite, the sash arranged to hook up to a joint. The breeze was so cool that I had to put a calico double gown over my night gown and usual under garments. To avoid sea-sickness I had undressed and kept my berth, not having ventured out but a short time after leaving Savannah. After leaving Charleston I had not risen, and for the first time escaped sea-sickness, owing partly to my abstinence, but more to the constant draught of fresh air through the state-room.

My sister sent me word at tea time that she and the nurse were too sick to give the baby his supper. I dressed and took the child to the table. The meal was over; two men only lingered, and a lady with a child in her arms, occupied as I was in feeding the child. The table was spread on the guard between the ladies' cabin and the captain's office. There were no saloons in those days. I have no recollection of tasting food after leaving the breakfast table in Savannah. I think it highly probable I took tea in Charleston, as I only avoided food to prevent sea-sickness. The baby fed and restored to his mother, I went back to my berth. Eliza came in soon, and then Martha. I heard Eliza say her prayers, and as she lifted her eyes I remember how beautiful she looked as she knelt before me. We went to sleep, free from anxiety, to wake in Baltimore!

Everything had been propitious. We slept soundly until awakened by the most appalling sound that is only equaled when the thunderbolt strikes near. I have only heard it repeated in storms; but the sound was followed by the trembling and careening of the steamer. The engine was stopped; the wheels did not move. I leaped from the upper berth unconsciously, almost simultaneously with the sound, and found the two nieces beside me, exclaiming in terror: "What can be the matter?" The boat was quivering and careening over to one side. Martha and I pushed with our might against the berth, but it would not go under, or be moved, nor could we open the door until it was under. Martha's strength was exhausted

I then proposed to get through the transom, she to lift Eliza, and I would then assist her. The proposition was made while I was executing the plan. My head and shoulders were through the opening when the steamer gave a tremendous lurch. The berth flew under in a flash, and the door opened with tremendous violence. The china and glass fell in the closets with a crash, and every light went out. We found my sister with the nurse and three children at her state-room door, quietly waiting the coming of her husband. I heard groans proceeding from the now darkened passage. I stepped a few paces, and found a negro man on his hands and knees, in agony. I said: "Daddy, what is the matter?" "Oh, missis, my feet done burnt off!" My heart was full of sympathy, but I saw the boys coming from the lower saloon with their clothes in their arms. Charles followed immediately, dressed save his cap. We held the different articles, handing them as they were needed. Charles held William's jacket, and, as he handed it, the little boy said: "Thank you, brother." It was characteristic of the child, the most obliging and most grateful of children. Charles collected the clothing of his brothers, put them in their arms, and made them precede him up the stairs. He was fourteen years old.

A man came along, begging us to come on the upper deck and help balance the boat. We asked what was the matter. He said there had been a collision; that the boat was leaking, and he wanted help to bail her. This was the only man I had seen save the poor negro who was wounded. It was strange that, hearing the explosion and seeing him and the condition of the steamer, the truth had not forced itself on our minds. Now my brother had come, and several voices cried out: "What is the matter?" He had not heard the explosion, but was awakened by the cries of the women and children. "I don't know, but will return and see." He came, pale and trembling, and said: "The boiler has burst, the boat is sinking, and we shall be lost in five minutes!" These hopeless words were received in silence which I was the first to break. "Could we not get on the upper deck? Stay there until I run and see."

Just then the same man came again, begging us to come up and help to balance the boat. My sister said: "Let us go; he will think us obstinate in staying here; but be careful we are not separated from the children." We moved in a compact body, each carrying or leading a child, all clinging together. We touched the outer circle of the crowd, but our faces were on our little ones; and, though touching, did not see a face in the crowd. Almost immediately my brother came, and said: "Follow me!" We retraced our steps to the lower side of the deck where the little boat had hung—now gone. A voice now said: "Mr. Lamar, save my children, and Mr. Mackay will bless you!" He replied: "I will do all I can for you, but I have no hope for any of us!" He directed his daughter to get up on the upper deck by climbing the davit. She was up, and he handed her a child. She caught hold, but cried out: "Father, don't let go; I have no strength!" I immediately took her place, and all were soon on the upper deck, where we found a man, only an acquaintance of my brother's, Mr. Huntingdon, of New York. They stripped one of the boats of its canvas, but before they could turn her over, Mr. Smith, of Augusta, with his wife and her babe, gained the deck from the upper side of the steamer. He now aided in turning the boat, looking for pieces of plank as substitutes for oars, placing the boat on the edge of the steamer, so that when she sank to the bed of the ocean he and Mr. Lamar could push her off and jump in to row her. A tin basin had been found, or a biggin (I forget which), to bail her, Mr. Mackay saying, "I will bail her, Mr. Lamar," all were seated in the boat. My brother asked Mr. Huntingdon if he would not go with us; he said: "No, I prefer to stay on the steamer." I had said the same words the night before.

While the preparations were being made a cry attracted me to the other side of the deck, where I found a colored woman clinging to the side of the boat. Extending my hands, she was enabled to reach the deck. Running back to Eliza, seated in the boat, I lost sight of the woman. The child no longer screamed. She was the only one of our family who

cried or screamed. The little baby would look from face to face in astonishment only. Martha exclaimed: "Oh, Aunt Rebecca, what shall I do?" "Look to Jesus who alone can help us." Seeing the boat so crowded, and no room for the two men to use their oars, as I thought, and doubtful of their being able to jump in on time, reminded me of my words the night before when I was not excited by fear. I deliberately took Eliza from the boat, saying: "I, too, prefer to remain on the steamer." My brother said: "I implore you, Rebecca, to get in the boat. I do not promise that you will be saved, but it is our only hope!" I got in with Eliza, with my arms around her. I sat facing seaward. Instantly, I felt a blow on my chest, and that I was drowning. The steamer had suddenly parted; the machinery went to the bottom, and the two ends stuck up out of the water. Our boat, I suppose, was upset, but I was knocked by a wave backward out of the boat which I saw no more. The water was so buoyant that I rose upon the waves, and I could catch a gleam of the struggling, drowning people around me. Once I caught hold of something while beneath a wave, but as I rose to the surface I saw that I had caught hold of a man's vest, just between the shoulders. As I saw the white sleeves and the black back, I let go, for fear of drowning myself and him. I found afterwards my brother's vest corresponded to the glimpse I had of him while struggling in the water. It was the only conscious thought I had while drowning or struggling in the waves. A piece of scantling, nine or ten feet long, but not heavy, floated to my arms. I folded them over it as it lay across my chest, and floated on my back, seeing only the sky.

At last I floated against something which resisted the touch, and I looked and saw the stern from which I had been precipitated. I caught an iron stanchion, and drew myself upon the wreck, still clinging to the stanchion, and bracing my feet against one higher up, with head downward and the sea lapping its waves partly over me. I was so exhausted I could not think. My brother came swimming in a few moments. He extended his hand, calling out in alarm: "You will

be washed off! Come up higher!" I was lifted to my feet, and immediately a wave brought Martha up. We recognized her instantly, she holding up her hand and crying out: "Give me your hand, Aunt Rebecca!" Charles, fortunately, could swim, and he came next. His father stood almost, or quite, in the water, watching for others. We continued to stand near the water, when my brother called to us to go up higher. We crept up the inclined plane to the steamer's wheel, and each took hold of a brass spoke. The deck was fast assuming the perpendicular, and my brother called out, "Go higher! The wheel will break off with you; go still higher!" We then crept up to the end of the stern, and as we took hold of the railing and looked down perceived the windows in the end of the ladies' cabin were nearly horizontal. On the paneling between the windows sat a colored nurse with a lovely child, two or three years old.

Quick as thought we were precipitated into the ocean. The deck had now broken away. My brother told me at that moment he had his second son, Willie, by the hand, again struggling with the waves. I cannot call it drowning, for I never swallowed a drop of sea water. I was alternately under and on the waves. Soon a feather pillow was floated to my arms. It was a life preserver. I floated on my back again until I felt something firm under my feet. I stood again on the upper deck from which I had been twice precipitated, and which was now floating on the surface of the sea. Its dimensions were easily defined, as it was covered with canvas painted white.

I gained the wreck near me, and I saw a solitary man near one end; his back was turned towards me, in one hand a carpet-bag and the other hand in his pocket from whence he drew a key, fitted it to the lock, and opened it while I still approached. My brother, swimming, came on board between me and the unknown person. He cried out: "Oh, my sister, do we meet again once more?" and, opening his arms, embraced me. His voice attracted the attention of the gentleman, who turning, recognized my brother, and they shook

hands, and I was introduced to Mr. Hutchinson, of Savannah. There were about six inches of water on the wreck generally. At the ends where the plank was broken and the canvas loose, the planks being depressed increased the water to a foot at least. There was a counterward (*sic*) for stowing cables from the weather, four feet high and three sided, with a top. It looked like a small counter, with several coils of rope, some large cables.

The cover of the Pulaski's hold had floated on. It was ten feet square, substantially built, nearly two feet high, but sloping towards the sides a foot and a half. It was a boon to us. A pile of lumber massed together, of all kinds, so jammed that no use could be made of it.

It was a starlight night, becoming more brilliant as the night advanced. A man came on board, with a little child in his arms, crying, "Whose child is this?" Brother and I rushed to him; we had lost so many; but it was not ours. The child recognized her father, and called, "Papa, papa!" He replying, "Connie, Connie, my child!" She was three years old, at least, and beautiful. She had only a night slip on, and it wet. The breeze was fresh and chilly. Fortunately a brown camlet cloak had floated on with the carpet-bag. She seemed to feel the situation, and, adapting herself to her strange circumstances, did not ask for her mother, her nurse, or any of her family; and seeing her father's emotion, she tried to divert his attention by pointing to the stars: "Papa, papa, see the beautiful stars!" Her attempt seemed to increase his emotion, and he brought the child to me and said: "Will you keep the child for me?" putting her in my lap, and I readily consented. He covered us both with the camlet cloak. I was sitting on the cover to the hold, with Connie in my lap; she did not object to my taking her, but she ceased to prattle.

Next came a man, calling, "Whose child?" It was Thomas, my brother's son. I at once gave Connie to her father, and took Thomas in my arms. He was greatly moved at seeing us, and cried himself to sleep in my lap where he slept all night. He was a child of great independence of character, full of

gaiety and intelligence for his years, now so depressed that he never spoke except in reply, and I dared not question him of his experience. He only cried the first night, and then not audibly. Connie was transferred to Mrs. Smith, who sat beside me. In fact it was a seat for as many as could find room; the only other was the cover for the poop, and which the gentlemen used exclusively, as it was too high for ladies, and not so comfortable, though the spray never reached so high.

The box for cordage afforded seats for three men comfortably. It was high enough to enable them to sit comfortably with their feet out of the water, and they were seldom wet with the spray. In the day time while some were walking or sitting elsewhere, one would take advantage of the moment to catch a nap. These men would alternate in sitting up out of the water, and I saw no exhibition of selfishness towards any, but on the contrary, exhibitions of little kindnesses. Mr. Hutchinson drew forth several garments from his bag for those who needed them.

I must record a most touching instance of sympathy towards myself. Dr. Stewart, from Maryland, a consumptive, and very feeble, asked for a knife one morning early, when the breeze was chilly and the sun not up, and cut off the tops of his long woollen stockings and gave them to me to put on as I was bare-footed. I was extremely sorry for the sacrifice, but have never forgotten it.

The night wore on, all quiet on the wreck. Suddenly a manly voice sung out beyond us: "Help! Help!" "We have no means to help" was the despairing cry. "Who are you?" some one called out. "Colonel Ball, wife and daughter, of Columbus, Georgia." They were never heard of afterwards. That helpless cry increased our sadness, and each, burdened with his own thoughts, was silent again—the only sound the dash of the waters, and that far off murmuring sound so peculiar to the ocean and always disposing towards melancholy under ordinary circumstances, but now so extraordinary, taking away almost hope itself. Just then a voice cried out:

"See the light! What can it be? It may be a ship approaching! It brightens! It is coming nearer! Let us unitedly call; we might be heard, if not seen!" The signal given, we shouted, as the moon rose off the sea, as it were.

The morning of the 15th (14th?) was beautiful, and we could see in the early light ships afar off, sailing from us. The men now commenced to brace the wreck by stretching ropes from one end to the other, using large cables for the purpose. Little sails were arranged to increase the speed of the drifting. There came a boat so near that she was secured—a valuable acquisition, though there was a hole in her side as large as the crown of a man's hat; it was, however, high up. She did not leak, and was tied to the end of the wreck. (Then follows this paragraph, the connection of which cannot be determined:—"His clothes were torn, and the flesh visible through the rents showed how he was bruised, and could only creep about the wreck now and then.")

The sea was covered with the debris of the Pulaski. During the night a large pile of lumber, massed together in such a way as not to afford even a seat, had gathered in the middle of the wreck. Before we reached it a champagne basket came near enough to be hooked with a stick from the pile. It contained two bottles of wine, one a quart, the other a pint bottle; two phials, one of peppermint, the other contained laudanum. The basket was placed in my charge. Now another object was seen—a boat with two men in her. Very soon one jumped into the sea and commenced swimming for his life. The man in the boat soon reached us. The boat leaked, and the man jumped out for fear of swamping her. The men now shouted and cheered the man, promising to throw him a rope, which they did. No one recognized him until he was almost to the wreck, when I called out: "Mrs. Smith, here is your husband!" He stepped aboard, tottered to her feet, threw his head in her lap, and wept. Mr. Smith was tall, large in proportion, young and athletic in appearance. He certainly

maintained the character of a swimmer. The boat had been upon the wreck. The men, with their pen-knives and bits of rope, caulked her at once, and fastened her to the wreck.

Then two trunks came floating by, and were caught by Dr. Stewart's servant, Caroline. One was filled with papers; the other contained two silk dresses and two shirred bonnets. The trunks were open as they came; they were placed on the pile of lumber to dry. Soon another object appeared. It proved to be two settees lashed together, a man in one, a woman in the other. The little boat was manned and went to the rescue. They caught the arms of the settees and drew them to the wreck. The man was laid on the cover of the hold. He was in an exhausted condition. The blood had settled under his nails, which were very blue, and his fair skin was mottled where the blood had settled. Neither he nor the lady could speak. The peppermint was applied to their lips, and as they were in their senses they put out their tongues to receive the stimulant. In a very short time the gentleman rose, to our amazement, and staggered to the trunk of papers, and, pointing to them, said to Caroline: "These are mine; dry them!" She replied: "A pretty place to dry papers!" His friends went to him just in time to prevent his falling, and laid him on the cover. The peppermint was again resorted to, but he never recovered sufficiently to speak, and died in half an hour. By some mischance he was nude, save a linen sheet around his loins. The lady, in an hour, was able to speak. My brother went to wet her lips and tongue, when she said:

"Mr. Lamar, I saw your little boy, this morning."

"Charles?"

"Yes, Charles. I called to him not to give up."

"When did you see him?"

"He was in a little box."

"How came you to know him?"

The lady was Mrs. Smith, of South Carolina. She could not have been over twenty, finely developed, fair complexion, now only sun-burnt, dressed in a silk dress, but without a cape. It was the fashion in that day to wear low-necked dresses,

hooked up the back, and a cape like the dress. The cape was now wanting, and her neck was blistered with the sun. She told my brother that she had gone to the same school with Charles in Savannah—Mr. White's*—and that he must keep a look out for Charles, as he would be along soon. Mr. Lamar was now watching for his son with great anxiety, and before long he saw a speck upon the ocean. It grew larger as it came nearer, but long before I could distinguish the object we felt assured that it was Charles. It drew nearer, and three persons were on the wreck—a man and boy, with their shoulders together, and a lady leaning on them, as she sat in front. The boat was now in readiness, and my brother called for Mr. Smith. He replied: "I am tired." The reply was: "Oh, Smith, it is my son!" Mr. Smith and some one else went into the boat. The lady was lifted into the boat and on the wreck, and laid alongside Mrs. Smith. She, too, was completely exhausted and unable to speak; but her eyes were so intelligent. The small bottle of wine had been opened, and with the remainder of pepperment she was enabled to speak in a few hours, and as my brother was ministering to the ladies on the settees, she said: "I recognize you as the gentleman who offered me refreshment in Charleston, and now you are so kind in your attentions." I could not leave Charles, who had gone to sleep in my lap, as we sat beside the corpse, and Thomas sitting by my side. I have always regretted that I was so short-sighted as not to think of loosening Mrs. Smith's dress and cutting the corset spring. She was naturally vigorous, and if her circulation had not been impeded I am confident she might have lived. As it was, she soon relapsed into a speechless and unconscious condition, and remained so several days. Charles came to my arms and wept, but could not speak for emotion. He went to sleep, and when he awoke he said: "Oh, aunt Rebecca, what do you think has become of mother and the children?" "I don't know; we must not talk of them now, but let us hope for the best, and try not to cry; you will waste your strength." Dear little Thomas hearing, but not

*Rev. George White.

speaking a word. Dear little fellow, he must have had a dreadful experience to have changed him so. Before, so quick to think, to speak, to act. If he had been in the boat with his mother, he would have spoken. But where could he have been all the time until he was picked up on the wreck by the man who brought him to us? I dared not ask him questions that would make him still more sad.

The gentleman that Charles was with I heard called Mr. Woart, and I recognized him as the same that we saw fanning the lady at Charleston. I now went to thank him for his kindness to Charles, and asked him if he was the Rev. Mr. Woart. He said: "I am the Rev. Mr. Woart, of Tallahassee, Florida." I said: "I thank God we have one good man among us." With almost sternness, he said: "I warn you not to put your trust in an arm of flesh. Look to God, who can save all who trust Him!" I replied: "Surely it cannot be wrong to wish for the company of the righteous; for if the righteous had been found Sodom would have been spared." He then said: "Are you a Christian?" "I hope so," was my reply. "But where did you hear of me?" "At Augusta, when you were the guest of Colonel Lindsay, U. S. A., when our volunteers were going to Florida. You prayed on the boat, before they left. I did not see you, but I heard the prayer." He came and sat down beside me, but seemed so feeble that I told him to lean upon my shoulder. He did so for a little time.

The cover of the box had broken down by so many getting upon it at one time.

Now there was one only seat, and that without a back. Those who could not sit on the cover to the hold had now to sit on the wreck in the water. Mr. Woart was so anxious that his wife should be able to reach her relatives.

Sails distant, and going from us, were seen. The children would be soon exhausted, and the invalids too. Dear Connie had not cried or become impatient, but her thirst increased and her demand increased in proportion. She would say, in a most plaintive tone: "Dear papa, when we get to New York won't you give me three cups of tea?" "Yes, my darling, as

many as you want I will give you." She now asked for food. Nobody felt hungry, and I am inclined to think that eating human flesh is not because the shipwrecked feel hunger, but as a precautionary measure to saving human life. The survivors now began to feel anxious to leave the raft and take to the boats. A proposal was made that the company should be divided, the larger number taking the small boat and the smaller number the large boat, to equalize the chances—the large boat having a round hole in the side, but high up. It was agreed to.

Friday, P. M.—The little boat was immediately filled. Those on the raft complained that the able-bodied men were in the small boat. Captain Hubbard got out immediately. My brother then began to offer premiums to anybody who would go in the large boat. Of course these offers were conditional should he reach land. There were two sailors, one a Dane, and spoke broken English, but was a true man. He pleaded with the people, advising them to remain on the raft, as being more secure than the boat—that there were too many in the boat, it was in danger of being swamped, when all would be lost; that were we to see land the boat would be turned over in the breakers, and only expert swimmers could reach the shore. Brother would not listen. I asked the Dane why he came if he thought the raft safer. "Because I cannot be left alone, and if I go, I cannot go in the best boat." I began to translate the man's broken English, and begged brother to listen, the man, too, assuring them of the peril. The boat had been pushed off, and we had been rowed about 100 yards, when the order was given to return. Nor was the question asked, why we had returned. My heart was lighter when my feet were again on the raft. It was Friday afternoon, the evening of the first day on the raft. This confirms the idea that the sailing from Savannah and Charleston was Thursday, the 14th, and not Wednesday, the 13th of June, 1838. I suggested to my brother the removal of the dead bodies, but it was objected to, and we passed the night in close proximity to the poor gentleman that I saw die. Brother urged me to lie down, and to please him I

tried, but rose up with Paul's words in my thought: "Who shall deliver me from the body of this death?" I sat down, with Thomas leaning on me on one side and Charles on the other, with my arms around both, and they slept.

I was not conscious of sleeping day or night, but one moment, when I dreamed and awoke. The night was darker than the last. The silence was profound, broken only by the surging sea and dash of the waves. The morning light appeared. It was always chilly before the sun was up, the sea breeze cool, and the clothes sometimes damp with spray, and the feet always in the water. My teeth chattered for a moment.

Sails were seen afar off early Saturday morning. Capt. Hubbard, a seaman, captain of a merchantman, a man that inspired confidence, now proposed that six men who could swim, and who could depend on themselves as swimmers, should take the best boat and go ashore, and send aid to those on the raft from thence. Mr. Hutchinson came to me and said, brother being present: "I am unwilling that the men should take the boat and leave us helpless, unless Mr. Lamar goes in the boat. I have urged him to go, and you must persuade him to do so, and he will consent. We have seen vessels, but we have not been seen. This may be repeated every day. The children cannot survive much longer without food. Relief must be sought, and the sooner the better. These men are strangers—they have no loved ones here. They might have no influence to send relief. We know Mr. Lamar can send us help, and he leaves his dearest interest on the wreck. He ought to go. Persuade him!" How could I persuade him to the peril I had heard described? I could only think of the hazard to him. He said: "You must decide for me." I felt the responsibility—but the starving children, and the invalids wasting away! "I consent on two conditions: One is that you will let me fix this pillow around your waist, as a life preserver, promising me not to take it off until you reach the land; second, that the dead be removed before you leave."

On Friday morning a drowned man was discovered on the wreck, lying on his face. It was some time before he was

turned, and he was recognized as Mr. S. B. Parkman, a prominent citizen of Savannah. Mr. Hutchinson took his spectacles and watch from his pocket, for an only child, since his three daughters and his son had perished in this terrible disaster. Consent was given, and Mr. Hutchinson gave the articles to my brother to take with him. Capt. Hubbard now proposed that the large bottle should be opened, and each person should take a swallow of wine. "No one will _____ enough to object." It was done. My brother was handed the bottle, but refused to drink, leaving it for the children. He brought the bottle to me, saying: "Keep this, for the children will need it." Oh, what a pity he had not suggested the sacrifice to all! I am sure Capt. Hubbard would have been one of the first to follow the suggestion.

The dead were laid on the extreme end of the wreck, out of sight, where the water was deepest, and left for the waves to float them off, and we knew not when they left us. The same pillow that had floated out on the wreck was now tied around my brother's waist, and he got into the boat, and called: "Thomas!" The little fellow seemed to guess something, and he moved with more spirit than he had shown; but a sailor who had an oar pushed off the boat. I did not then comprehend the movement, nor what the call meant. I learned afterwards he intended taking Thomas with him, and no doubt that intention made him willing to go. He had not made known the intention, and the sailor, perceiving and knowing the peril, frustrated the plan. Thomas, too, had perceived the intention, and returned disappointed. It was a sore trial to the father.

All the wine in the first bottle was now exhausted, and very little remained in the quart bottle. The peppermint was gone also. The laudanum had been used but once. A gentleman drank sea-water, which caused severe cramps in the stomach. He came to me almost frantic with pain, and asked for the laudanum; he was in such agony that he wished to kill himself. I was afraid to give it to him, so I gave it to Dr. Ash, and asked him to give him a dose, and to keep the bottle.

The gentleman was a Mr. Brown, only 25 years of age, large, over the ordinary size, and seemed the picture of health. He was polite and kind to me, but he never seemed well after that night. Though he did not complain, he looked as if he was ever after under the influence of laudanum. A person, whose name I did not know, with piercing black eyes, would beg for one only drop of wine, that I could not refuse, though I would say: "You know it is for the children." When poor Mr. Woart, parched with thirst, would hold his hand for one drop, I did not refuse, as he was really ill with fever, and his tongue so hard and dry. But the little now left I regarded as a sacred trust for the children. During the day he held his hand for one drop to moisten his tongue. I said: "You know it was given me for the children." "Yes, I know, and feel ashamed while I ask, but as some excuse for me just look at my tongue!" I never saw anything like it—brown, and looked hard, like horn. Charles said: "Aunt Rebecca, give him my share!" Mr. Woart was overcome with emotion. Laying his hand on Charles' head, he said: "You are a noble boy!" It was the last time he asked for any. He would carry it to his wife and Mrs. Smith who had become speechless again, although Mrs. Woart's expression showed that she still retained her senses to the last moment. Mrs. Smith was apparently in a sleep, or stupor. Poor young woman! If she had had her corset off, she might have lived, in my opinion; but it was stupid in me not to see it then. The departure had rather depressed than revived hopes in those that remained. The active spirits had gone. The wind had changed, and with it hope seemed renewed, as the opinion prevailed that we were drifting toward the shore. The idea gave me no little fear, as neither Thomas nor I could swim, and the men discussed the question of landing, and seemed to think that the raft would be broken in pieces in the surf or breakers. I preferred waiting to be picked up by some vessel. But it was decided that those who could swim might be floated ashore on pieces of wreck or clinging to a plank; so I told Thomas that if we saw land he must let me tie him to a plank, as he could swim. For

the first time his feeling of independence revived. "Oh, if I could just see the land, I will manage to get ashore!" I had to reason with him, and argue the case, before I could get his consent to be tied to a plank, if the occasion required it. The opinion was that the landing migth be in the night. I found two planks and some rope, and secured them for use. "Thou, God, seest me" was ever present to my mind, and all my hope and comfort was in Him. The clouds were gathering, and distant thunder was heard. The wind suddenly veered, driving us out seaward, and great drops of rain began to fall, when my mouth opened instinctively to receive them. Till that moment I was unconscious of thirst. When I took the swallow of wine in the morning I did not realize thirst; but I did as others had done, without thought, and though I kept it and dropped for others, I never felt any inclination to taste it. The anxiety of mind triumphed over physical suffering and pain. It was only at night, when I had the boys leaning on me asleep, that my back forced me to feel that it might break. In the day they slept too, but my mind was too much diverted by the various occurrences and expectations excited by hope. Hope never forsook me but for an instant, as I felt a billow break over me, filling my eyes with water. As it receded hope revived. The rain poured all night, the wind increasing, and the darkness could almost be felt. Fortunately, we had no more thunder, and not a flash of lightning. We left the accustomed seat and sat in the water on the wreck, and back to back with Mauma. She was an African, and her voice was heard all night in prayer, or a low, monotonous tone, almost like chanting. Fearing she would exhaust herself, I ventured to remonstrate; but in vain. She knew no other way, and prayed on 'till day. The boys were nestled close to me, but I don't think they slept. There was a fierce gale blowing in the morning, and though we could see, the sky was black as ink, and the rain continuing in torrents. I never before or since saw such a rain storm.

It ceased to rain, and the billows began to rise, the sky still black. Mr. McRae said: "Mr. Woart, will you not pray

for us?" He replied: "I have not ceased to pray since I came upon this wreck!" There was a pause and I said: "Mr. Woart, will you not pray aloud, so that we can all join you?" He stood up, lifted up his eyes to Heaven, his form erect. He seemed no longer feeble. His full, round, musical voice commenced to pray for life—that God had implanted the love of life in all His creatures, and therefore it was not wrong to pray for its continuance—then for faith in Jesus, and perfect submission to the Divine Will, that all might be enabled to say: "Not my will, but Thine, be done." I never heard a more eloquent prayer—never expect to see so sublime a spectacle! I have often wished I could picture it to others as I recall it. An artist, who had spent years in Paris, described a picture in the Louvre to me that had impressed him as one of the finest. It was a shipwreck, and therefore a copy for exhibition would justify the labor, etc. The conversation about the picture was renewed on the wreck, and I wondered if it could be equal to that now daguerreotyped in my memory.

The wind and waves continued. The sail-cloth covering the deck at the ends was loose, and the action of the water rolled it up continually, so that where the planks were joined and uncovered several pieces were broken off. For security we congregated in the middle of the wreck, and sat down in a circle, near enough to cling to each other as the waves passed over us. Some feared the wreck would be broken up. I feared we might drown upon it. The large cable, stretched from end to end, held a detached piece of the wreck, six or eight feet square. As the waves would advance, the piece, held by the rope, would be driven by the force of the billows over the wreck, and as it receded, would jerk the cable violently. It came nearest to me, and each repetition brought it nearer. I feared it might come near enough to strike me. Each person seemed now only occupied with themselves. I borrowed a pen-knife, and the owner was near me. He did not seem to see me sawing the separate strands of the rope in two, nor, when the last strand was sawed, how quickly the receding wave bore it away. I handed him the knife, and he received it

unconsciously. Mr. Smith, becoming alarmed, ran to the little boat, and jumped in. Mr. Hutchinson had Corinne in his arms, and the cloak around them. Perceiving the panic, he ran too to the boat (one end of the cloak trailing) just as Mr. Smith jumped back. Mr. Hutchinson then, in turning to retrace his steps, slipped upon the end of his cloak and tripped. In trying to recover himself, his hold was loosened, and the wind tore the cloak and child from his grasp, and bore them to the billows. He returned to his place and bowed his head, a broken-hearted man. The child was nearly lifeless. I noticed, as he passed me, the neck could not sustain the head, and the whole form seemed limp.

Mr. Woart could not lift his wife from the settee; but, afraid to have her left lest they should be washed off, he took the head and shoulders, and trailed her feet in the water, and placed her near us. She was now dying. I remember the peaceful serenity of her face, and the intelligence of her eyes, as she turned them and looked at her husband and myself. The billows seemed to come from a great distance, gathering strength as they rolled onward. When they came near, we grabbed each other, and bowed our heads, as they passed over us. Mrs. Woart did not live long. The husband supported her head, and she expired without a groan or struggle. He, poor man, was now nearly exhausted, and as he dropped her head he clasped his hands across his knees, shutting his eyes, and said: "My poor dear wife!" As a tremendous billow came, we bowed our heads, and as we raised them, saw it carry away the living and the dead—the husband and the wife. His hand was raised, but he was on his side, and could not resist the force, and he uttered no word. The violence of the storm abated as night approached. The heavy billows ceased, leaving the sea in great commotion. As the waves would dash and break, flashes of phosphorescent light would run along to meet another wave, and the sea was brilliant with this strange light. Mr. McRae and his friend became restless, moving about and talking to each other, imagined themselves in Florida. Dr. Ely (as I called him, but really I do not think it to be his name,

as I do not find it in the list of passengers) sang the Doxology, "Praise God, from Whom All Blessings Flow!" Then he proposed, seeing the light, to make a visit, and then walked overboard. They immediately returned, and we hoped the experience would prevent a recurrence, but they soon repeated the action and were not able to get back. Then five lives were gone from us to that life above, in a few hours. Mauma's voice in prayer alone broke the stillness of the night. The morning broke, cloudless and lovely—the waves now flowing peacefully—the wreck diminished—the people depressed and worse. Mr. Hutchinson, with his head down, seemingly indifferent to life itself. * * * Dr. Stewart now unable to sit up unsupported. Caroline sat so that he could lean on her shoulder most of the time. Why he did not move to the cover, where he might have laid down, I do not know. I have no recollection of seeing him move his seat, which was in the water during the whole time. He had lost his wife. It was she who was supporting Mrs. Woart at Charleston. Dr. Stewart was a handsome man, with dark hair and eyes, tall in stature, and with a benevolent expression.

Monday, as usual, saw sails at a distance, going from us. An object now engaged Mr. Smith's attention, and he called to us to notice it. It seemed only a point in the distance. He continued to watch it. It maintained the same distance or position from us. Therefore, he conceived the idea that it was a stationery ship, a light-ship, and he thought the distance could not exceed ten miles. The fact that the same relative distance was maintained ought to have convinced him, and us too, that it could not be a light-ship—that we were floating, it must be floating, too. But he did not see the point, nor did we at the time. Still we did not believe it to be a ship at all. Towards sundown he decided he would go and see what it was. Mr. Hutchinson begged him not to think of going, and so did I; but he got two pieces of plank from the lumber pile, nailed cross pieces, selected a piece of a paddle (?) tied into an iron stanchion, and launched his raft. He now entreated Mr. Hutchinson to untie or cut the string when he had got

on the raft, but he, instead, tried to dissuade him from the attempt. He was sure he could bring us assistance. Seeing we had no influence, I turned to his wife and said: "Why do you not entreat your husband not to go?" "Because it is no use, when he sets his mind on anything." He now talked so hopefully of his plan that Mr. Hutchinson loosed the raft, and I felt for the moment some sympathy in the project. When I spoke of the danger, he said: "I lived near the coast when a boy, and have made little rafts and paddled out in the water often." He used the paddle, first on one side and then on the other, till he was lost to sight. Poor fellow! He was never heard of afterwards!

This affair had diverted my attention from Thomas. He had been drowsy all day, and I once thought him asleep in my lap. As Charles and I sat again in the seat, now the only one, and without a back to support us, I was startled by a groan from Thomas. I called him. He did not reply. I leaned over, and pressed him too heavily. "You hurt me!" I looked at his hands, and the nails were blue. I was now alarmed. I chafed his hands, but the blood would not circulate. He was now unconscious. It did no good, and I was in despair. I knew he was dying, and my distress was great. He never spoke again. Charles was quietly seated by my side. He suddenly started to his feet, pointing to the water beyond us, crying out in great excitement: "See, Aunt Rebecca, Boatswain is drowning!" Boatswain was his dog, at home. He moved two or three steps, and fell. Mr. Hutchinson was sitting near us, and only Mrs. Smith between us. I called to him to pick Charles up, which he did, and seated him by me. This vision of his dog drowning was repeated, and each time I called for Mr. Hutchinson to pick him up, alarmed lest he should drown before he reached him. At last, Charles became totally unconscious, but retained his sitting position, perfectly quiet. Thomas, dear little boy, began to writhe in the death struggle. I managed to keep him on my knees, but now his feet would twist off my lap, and fall in the water. I would gather them up, replace them, and soon they were in the water again. I

cried and lamented, but neither of the boys heard me. Now and then a groan would escape him. That he was dying was now my sole thought. Charles was still, and I had no thought for him. It was the dying child now that occupied my attention. How many times I replaced him in my lap would seem incredible. Each time it became more difficult. At last his stiffened limbs were in the water, and I had no longer the power to lift them up to my lap. I was almost horrified. My distress was unspeakable. I still had my senses, and I was not concerned for myself, but for the dying boy. Again I called frantically for Mr. Hutchinson for assistance. He always came to my relief. I still could hold him when placed in my lap; but now I grew so weak that the weight in my arms became an intolerable burden. I felt a strong desire to throw it down. The next groan would recall my senses, my affection, my sympathy, my remorse for my heartlessness which I bewailed in lamentations.

Thus the greater part of the night passed. The last remembrance was my calling to Mr. Hutchinson, to see if he was dead. I never knew how he responded to my call, for with it I became unconscious, and remained so till dawn, when I awoke in delirium, imagining myself at Montgomery, where I spent a day with some friends, previous to my leaving Savannah. I was horrified at the dead bodies I discovered. None of them I recognized. Charles was forgotten. I turned to Mr. Hutchinson and Mrs. Smith, to know when the carriage would come to take us to Savannah. They answered: "Soon." I called them by the names of the friends who had taken me to Montgomery. For the first time I thought of my appearance. I saw my bare feet and night gown and torn dressing wrapper, and almost cried with shame, exclaiming: "How can I go to Savannah so? I am not dressed!" I tried to fold the calico skirt over my night gown, half crying because I could not accomplish the purpose, as several breadths were wanting, which had been torn off in squares to cover the heads of the children during the day—keeping them wet to prevent thirst, and to keep their heads cool. At night

they would be lost, and my gown supplied others, till it was reduced to one width. How it looked!—had never been thought of until I was delirious. I would bewail my condition, until turning, I would again see the dead bodies, be stricken with terror, and cry out for the carriage. This continued until, exhausted, I relapsed to unconsciousness, from which I was awakened by Mrs. Smith, shaking me by the arm, saying: "Look there!" Pointing to an object. I saw a vessel, her sails spread and filled, her hull painted black, and a dazzling sun shining on her canvas. I exclaimed: "Oh, how beautiful! Oh, how beautiful!! Oh, how beautiful!!" And relapsed into unconsciousness. To me she was only a thing of beauty. It was the schooner "Henry Cameron," from Philadelphia, Pa., bound to Wilmington, Captain Eli Davis commander. All the living were taken on board. I can recall nothing that transpired, save the beauty of the ship, till late in the afternoon. I found myself on a locker in the cabin, a table in the middle, at which a gentleman sat, looking at me. I recognized him immediately, although I had not seen him for years. I said: "Mr. Greenwood, where are we?" He came to me in surprise that I should recognize him. He told me we were now going to Wilmington. I said: "Why not to Charleston?" "Why do you wish to go to Charleston?" he said. "Because my brother said he would go there, and I would like to be with him." I then asked for Charles. "He is in the berth beside you." I looked and saw him, still unconscious; but I was satisfied to know he was near. I then asked for Thomas. He said he "did not know." I then became anxious. I said there was a smaller boy—"What has become of him?" and as if in vision I saw a little form lying at my feet in the water on the wreck. I knew he was dead and left. I then inquired for Mr. and Mrs. D. Mr. Hutchinson and Mrs. Smith put their heads from berths opposite, and I knew them in their own characters and by their proper names. I was no longer delirious, and Mr. Greenwood asked me if I did not wish some water, which I thought delicious, and asked for more. He did not like to refuse and, afraid to give more, he left the cabin.

Another gentleman came whom I did not know personally, but by character. He introduced himself—told me that Captain Pearson, the sailing master of the "Pulaski," twenty-three (23) persons in all, were on the deck of the bow—that the Captain noticed, as they drifted, as did Mr. Smith, something that maintained its relative position till they lost sight of it at night. He was so impressed with the notion that it was another portion of the wreck with people on it, that he communicated what he had seen to Captain Davis, and begged him to look for us. He complied with the request, but was unsuccessful in his search. Captain Pearson again entreated him to look, and, after tacking about, put on his course. The importunate Captain solicited him the third time, and was successful in finding us, to the great satisfaction of all, but especially of the kind-hearted old Captain Pearson. My informant said Captain Davis knelt on his deck, and rendered thanks to God for the lives of so many. When I was lifted on board by two men, their hands under my arms, my feet trailed along the deck without an effort to step—totally unconscious. My wet garments were taken off, woolen clothes put on me, and I was laid upon the locker, where I was lying.

I never knew at what hour in the day we were rescued; but I remember the sun shone on the sails, coloring them white as snow to my eyes—a beautiful picture that I now can recall to memory in all its beauty! Two little boats had been filled almost immediately after the explosion occurred. They put off to a distance, and waited till the steamer broke in pieces, and the machinery disappeared. Believing all was lost except themselves, they hurried to land, and reached the coast of North Carolina on Friday afternoon—one commanded by James Hamilton Couper, the other by Hibbert, Mate of the "Pulaski." The report of the disaster reached Charleston and Wilmington on Saturday and Sunday.

The wreck of the "Pulaski" occasioned universal sorrow throughout the United States. Almost every section of the country was represented on that fatal boat, occa-

sioning greater distress than ever before or since—coming before the telegraph had inured us to occurrences so common as to lessen at least the sympathy of people generally. Nothing of the six men that left us in the boat had been heard from till Tuesday, when a messenger reached Wilmington, stating that six men had landed on the beach forty (40) miles above, on Saturday. They now wanted conveyances to bring them to Wilmington. This news spread immediately among the inhabitants, so that at the appearance of the "Henry Cameron" in the offing nearly the whole male population were assembled on the wharf to learn what tidings she brought from the sea. When so many sufferers were found aboard, the sympathies of the people were manifested in every possible way. Doors were thrown open to all, and universal kindness prevailed in the community. All wished to do something for us—even children desired to be of use to the sufferers. The vessel ceased to move, and we heard the tramp of many feet on deck. Two maids next appeared with band-boxes, in the cabin, with clothes for the ladies. Instantly I slided from the locker, without assistance, and stood on the floor unsupported, till my sailor suit was dropped, and the maid dressed me in those she brought. A cloak was thrown around me; Mrs. Smith was waited on at the same time, and the maids announced our readiness to be taken ashore. I asked where I was to be taken, and asked to have Charles taken to the same house. The gentlemen made a seat with their hands, and I sat thereon, and put my hands on their shoulders, and thus was conveyed to the carriage. Mrs. Smith came next, and the two gentlemen sat on the front seat, and I think they were physicians. But finding me standing and unsupported, and not knowing I had only an hour before awakened from delirium and stupor of many hours, I rode some distance unsupported, except by the back of the carriage. We drove very slowly, and it seemed to me a long way. At one moment I could see the houses and gardens we were passing; then it was for minutes as black as darkness could be, and then houses would appear. At last we reached the house, and I was taken and brought up a flight of

steps to the second story. But it seemed to me I was being carried up several flights—the steps, so numerous did they appear to my distorted fancy! It was now night; the room was bright with light. They laid me on a large bed. Never before had I experienced such a sensation. It was perfect rest and blissfulness. A number of ladies were present, and hovering around my bed. They seemed almost angelic. The room and all it contained seemed very elegant—and such kindness! It was like Heaven! Not a thought to mar the blissfulness of those moments. My eyes were nearly shut, as the lights were bright. Dr. DeRosset called to a lady to have some arrow-root prepared quickly. She said: "Cold, or hot?" Before he replied, I said "Cold, if you please." The company was startled to hear me speak. After all, I was not far wrong in supposing it was like Heaven; for it was the most Christian house that I ever entered. The doctor was an old man, with silver hair, kind face, gentle voice and manner. His attention, after feeling my pulse, was directed to my feet. They had been bruised by floating pieces of plank on the wreck. In some places, the skin was broken, and irritated by the salt water. They were now swollen to an unusual size, and almost purple in color.

It may be surprising to some when I say I was almost wholly unconscious of the condition of my feet. Even when my feet were being dressed, I experienced no pain; for the blissful repose of the body and limbs left no room for another sensation. The arrow-root was brought—the first food I had tasted after leaving Charleston. I cannot recall tasting food at sea. At last I remembered to inquire for Charles, and was told he was in the next room, and was satisfied to know he was near. I was too far spent to feel anxiety. Afterwards I learned that the physicians watched him through the night, fearing he would die. He was better next morning, and on Thursday considered out of danger, but still in bed. That afternoon his father reached Wilmington. I will not attempt to describe our meeting. Afterwards I learned some particulars of his experience in the little boat

and making land. The six men who left us to procure assistance saw land that same afternoon. They made for the shore, the boat was upset in the breakers and each man had to swim for his life. My brother told me he would never have reached land had it not been for the buoyancy of the pillow tied around his waist. It was late when they reached the shore, where they remained, lying on the beach to rest for an hour. It was near an inlet, where there were small craft; but the captains said they could not go to sea unless wind and tide both suited. These both were adverse. His strength was so wasted that he had to go to bed; but he hired a man to ride express to Wilmington. About noon the man appeared before him. He was greatly shocked and inquired why he had betrayed his confidence. He said the captains advised him not to ride through the storm, endangering his life to no purpose; that the wreck had been destroyed by the storm; that nothing so frail could have lived in such weather. The captains acknowledged the advice they had given, and convinced my brother. He even mourned us as dead, and his grief was increased by regret that he had not shared our fate and died with us. He hired men to watch upon the beach to recover bodies, if floated ashore. He was sick in bed and with a painful cut upon his foot by broken glass upon the steamer deck. He had prayed for self and us; but now he feared his prayers had been an abomination to a holy God. Till the carriages came he had nothing to console him. He was assured of my safety and that of the two boys. He naturally concluded they were both his, and his spirits revived again to be again bereaved that Thomas had died upon the wreck. The other little boy besides Charles was the son of Major Twiggs, of Augusta, rescued from the piece of wreck first discovered—(Charles?) fortunately was considered out of danger, and out of bed, at the end of the week. He had had such devoted attention from physicians and nurses, and being naturally of a strong constitution, he quickly recovered.

Two brothers and a brother-in-law came to my brother in his calamity. They persuaded Charles, and

urged my brother, to let him go with them to Augusta. He gave a reluctant consent, and was miserable when Charles was gone. He feared some harm might befall him, now his only child. Bereaved of his wife and six children, and this anxiety added, seemed more than he could endure. With the most devoted attention from the doctor, his daughters, and their friends, I was unable to sit up in bed. The fever had gone, but I was myself a wreck. I prayed to go to Charleston, but he would not leave me. I then resolved to go, though importuned by the doctor and his family to remain longer. We went by steamer to Charleston, and found a compartment of a car fitted up with bedding and pillows for my accommodation. The doctor sent a kind old servant with me to Charleston, and I was there met by a private servant, sent by my brother George. She was the nurse of his children, known as Aunt Hannah, one of the most devoted and affectionate I ever knew. She was waiting on the wharf when the boat arrived and it had scarcely stopped before she was in the cabin, and had me in her arms, embracing me in the most affectionate manner, bewailing, at the same time, my condition. At the depot I was met by my brother with his carriage, similarly fitted up as the car at Charleston, and thus I reached my home at Augusta.

The captain's idea of the wreck was entirely wrong, as events proved. Her lightness was her safety. It was a frail thing to look at in a storm, but she offered no resistance to the waves; nothing to strike against, as the billows came, the wreck would rise gradually and surmount the swell of the sea. Then only half of the wave passed over us, and by clinging together that was resisted, showing that some times there is strength in weakness. On the portion of the wreck with Capt. Pearson, the sailing master, were twenty-three men, and a boy ten years old. A gentleman from Mobile was killed by the falling of a mast. They had no food, no water, and no means to catch the rain as it fell. Capt. Davis Dubois was never seen after the explosion. On our portion rescued the twenty-two (22) men and the little boy. Captain

of the wreck we had twenty-three (23) persons—three (3) children, six (6) women, and fourteen (14) men. During the rain, bottles were held under a corner of a little sail and quickly filled, and then passed from hand to hand until we were satisfied to nausea. To the drinking of salt water has been attributed delirium and the death of so many that perished. Four were lost overboard, four died on the wreck, one left on a raft and perished. Seven were rescued by Capt. Davis; six went ashore for assistance. The two boats that left the "Pulaski" and carried news of the disaster reached the shore, one with twelve, the other with five persons. One under the control of Mr. J. H. Couper, of Georgia, contained twelve persons, all of whom reached the shore in safety; the other in charge of Mr. Wills (should be Hibbert) contained eleven (11) persons, of whom five reached the shore, one, a scalded fireman, died in the boat and was thrown overboard before reaching the breakers, and five perished in the breakers. Judge Rochester, of New York, Mr. Baker, of Georgia, two negro women and another scalded fireman, Lieutenant Thornton, U. S. A., and another gentleman, together reached the shore on a small piece of wreck. So far as I have ascertained there were 131 passengers—54 saved in all; 77 lost.

EDITOR'S NOTES.

Members of the Georgia Historical Society, and other readers of the Quarterly, will doubtless be pleased to learn that Mr. Alexander R. Lawton, the Society's worthy President and Chairman of the Managing Committee of the Telfair Academy of Arts and Sciences, who has been a member of the Board of Directors of the American Federation of Arts for some time, was, at a meeting of that body, in May last, elected a Vice-President of the Federation. The official organ of the Federation is the *American Magazine of Art.*

Mr. George J. Baldwin, one of our active members for a long time, and for some years one of the Board of Curators, now residing in New York, has just given to our Library a copy (number 114 of a limited edition of 131 copies) of "The Alexander Letters," printed in costly style at his own expense. The letters were written by members of the Alexander family, ranging from the year 1787 to the year 1900, and contain matter of interest historical and otherwise, and the book is a valuable addition to the Library.

During the celebration of the one hundredth anniversary of the crossing of the Atlantic by the steamship *Savannah,* copies of Pulaski's banner and the flag which floated at the mast of the boat on which Lafayette was entertained while on his visit to Savannah in 1825 were exhibited in the city. The copies were painted by Mrs. E. P. Noyes, a talented member of the Georgia Historical Society, who has since presented them to the Society, and they are now displayed in a show-case in the Library. Mrs. Noyes is a descendant of General John Floyd.

Another descendant of General Floyd, Mrs. R. F. O'Neale, of New York, sister of Hon. Wm. G. McAdoo, has presented to our Society the following articles of historical interest, and worthy of preservation:

1. Epaulets of General John Floyd.
2. Piece of wool from wheel of a caisson captured from the Federals in the first battle of Manassas.
3. Tobacco pipe made from the last remains of the "Alamo."
4. Piece of a grape-shot picked up on battlefield of Waterloo by C. Floyd in 1821.
5. Old wooden match box of the kind first made.
6. Piece of wood taken from the deck of the "Victoria" in 1805, by Captain Navin, 96th Regt. B. I.
7. Piece of pottery and 4 Indian arrow-heads found in Okefinokee Swamp by General Charles Floyd, whose troops were the first to penetrate the Swamp.
8. Wood from Melrose Abbey, August 2, 1806.
9. Cap-plate, etc., of Garde Imperiale Grenadiers, Waterloo (3 pieces).
10. Piece of tesselated pavement of ancient Carthage.
11. Piece of wood from house in which Columbus was born, Genoa.
12. Piece of rock from St. Michael's Cave, Gibraltar.
13. Two pieces of mosaic from Mosque of St. Sophia, Constantinople.

Mr. J. Florance Minis, of the Board of Curators of the Georgia Historical Society, has presented to the Society a walking-cane which has an interesting history. The cane is made of a piece of live oak from the frigate "Constitution," and was owned and used by Commodore Josiah Tattnall who, at Pei Ho, used the now famous words "Blood is thicker than water." Mr. Minis received the cane as a gift from Captain John R. F. Tattnall, son of the Commodore.

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The Georgia Historical Quarterly

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The Decision of Judge John Erskine

In The Case Ex Parte William Law, Under The "Attorney's Test Oath Act"

In the very beginning of the reconstruction period, after the War of Secession, among the measures adopted looking to the complete humiliation of the Southern people was a law requiring that all lawyers seeking to practice their profession in the United States Courts must first take an oath known as "The Attorney's Test Oath."

At the May term, 1866, of the United States District Court for the Southern District of Georgia, Judge John Erkskine presiding, the Honorable William Law, perhaps at that time the oldest member of the bar in the State, applied to the Court for permission to practice, claiming that the law requiring an oath, which he could not conscientiously take, was unconstitutional. The decision of Judge Erksine, in favor of Judge Law, is here given as an important part of the history of that gloomy period.

On the 14th day of May, 1885, at a meeting of the Savannah bar, in the United States Court Room, when a portrait of Judge Erskine (who had reached the age of seventy years, and was retiring from the bench) was presented to the Court, among the speakers was the late Honorable George A. Mercer, who referred to the decision in the case of Judge Law in the following words:

"One of the earliest and most important questions which came before Judge Erskine for decision involved the right of lawyers to practice their profession without first taking

an oath, which those of us who had been faithful to our State and the dictates of our conscience found it impossible to take.

"Judge Erskine, in a learned and able opinion, held that the retrospective portions of the oath required to be taken by attorneys, under the Act of Congress generally known as the 'Attorney's Test Oath Act,' was an *ex post facto* law, and was also substantially, and by its inherent force, a bill of pains and penalties, having the character of a bill of attainder, except the death penalty; and, consequently, was repugnant to the Constitution of the United States prohibiting the passage of such bills.

"Had Judge Erksine made no other decision, the bar of Georgia became his lasting debtor for this."

EDITOR.

United States District Court

Southern District of Georgia

At Savannah, May Term, 1866.

In the matter of the Oath to be taken by Attorneys and Counsellors of the National Courts, under the Act of Congress of January 24th, 1865.

Ex parte, William Law, *Petitioner.*

ERSKINE, J. William Law, Esquire, produced in Court satisfactory proof that in the year 1817, he was, by the Circuit, and District Courts of the United States, for the District of Georgia, duly admitted to practice as an attorney, proctor, solicitor, advocate and counsellor at the bar of said Courts, respectively; that he has been since the year 1859 hitherto, attorney or proctor of record in the case of *Finigan et al.* vs. *The Ship Parliament*—a cause now depending on the Admiralty side of this Court; that he has taken the oath of Amnesty; that upon the promulgation by the President of the United

States of the Proclamation of May 29, 1865, he found himself within its thirteenth exception; that he applied to the President for pardon and amnesty under this Proclamation; and that he received a grant of pardon and amnesty, and accepted the same, and has filed in the office of the Clerk of this Court an authenticated copy of said acceptance.

Upon these proofs, Mr. Law asked to be allowed to appear and be heard in behalf of his clients in said cause, without being first required to take and subscribe the oath prescribed by the Act of Congress, approved January 24, 1865. The petitioner was informed by the Court that this law of Congress was imperative, and could not be pretermitted. Thereupon he submitted to the Court, that the statute was repugnant to the Constitution of the United States, and requested permission to show cause against it. This was granted, and during the early part of this term the case was fully and ably argued by the Petitioner, *propria persona,* by *Ex-Gov. Joseph E. Brown,* of the Northern District, and *Thomas E. Lloyd, Esquire,* of Savannah. The reply on behalf of the Government by *Henry S. Fitch, Esquire,* United States Attorney, to the arguments of these learned counsel, was replete with originality and legal scholarship.

Prefatory to entering upon the examination of the various questions regularly discussed, so much of the original Act of Congress of July 2, 1862, and its supplement of January 24, 1865, as is thought essential to an easier comprehending of the grave and important inquiries now before the Court, may be cited. The original act is entitled "An act to prescribe an oath of office, and for other purposes." In enacts that, "Hereafter every person elected or appointed to any office of honor or profit under the Government of the United States, either in civil, military, or naval departments of the public service, excepting the President of the United States, shall, before entering upon the duties of such office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe the following oath or affirmation:

"I, A. B., do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encourage-

ment to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."

And the supplementary Act provides: "That no person after the date of this Act shall be admitted to the bar of the Supreme Court of the United States, or at any time after the fourth of March next, shall be admitted to the bar of any Circuit or District Court of the United States, or the Court of Claims, as an attorney or counsellor of such Court, or shall be allowed to appear and be heard in any such Court, by virtue of any previous admission, or any special power of attorney, unless he shall have first taken and subscribed the oath prescribed, in 'An act to prescribe an oath of office and for other purposes, approved July 2, 1862,' according to the form and in the manner in said act provided," etc.

The point having been made, whether an attorney, or counsellor at law, as such, holds a public office or place, or is to be regarded as a mere officer of the court,—and there being a diversity of opinion among learned judges on this point,—it is proper that the views of this Court should be expressed. In LORD COKE'S time, and prior thereto, an attorney—but not so a counsellor—was, it seems, considered a public officer; for he says: "That in an action of debt by an attorney for his fees, the defendant shall not wage his law, because he is compellable to be his attorney." Co. Litt. 295 *a*. Afterwards, however, LORD HOLT (1 Sal., 87) held, that he was not compellable to appear for any one, unless he takes his fee, or backs the warrant; and so the law has continued in England to this day. In the following cases: *In the matter of Wood,* Hopk. 6; *Seymour* v. *Ellison,* 2 Cow., 13; *Merritt* v. *Lambert,* 10 Paige, 352; *Ray* v. *Birdseye,* 5 Denio, 619; and *Watts* v. *Whittemore,* 22 Barb. 246, practitioners of the law are said to be public officers; but in the first mentioned case only was the question up for decision. In the *Adm'rs of Byrne* v.

Adm'rs of Stewart, 3 Dess., 456; *Leigh's case,* 1 Mumf., 458; *In the matter of the oaths to be taken by attorneys and counsellors,* 20 Johns., 492; *Richardson* v. *Brooklyn City and Newtown R. R.,* 22 How., P. R. 368; and *Cohen* v. *Wright,* 22 Cal., 293, they are held not to be public officers. And it was remarked by PLATT, J., in 20 Johns., 493: "As attorneys and counsellors they perform no public duties on behalf of the government; they execute no public trust."

Having collated and well considered these state authorities, I am of the opinion that the law is with the negative of the question. Nor do I think that Congress—and it is the intention of the National Legislature, as found in the statute that guides this Court—considered them public officers. In article one section six, cl. two of the Constitution, it is declared, that "no person holding any office under the United States shall be a member of either house during his continuance in office." Has it ever been seriously questioned that practicing as an attorney or counsellor in the Federal Courts is inconsistent with holding, at the same time, the office of Senator or Representative in Congress? Neither was there any statutory prohibition to practicing in any of the United States Courts until the passage of the Act of Congress, approved March 3, 1863, and the inhibition is confined to the *Court of Claims,* 12 Stats. at Large, 765. *See* also, *Amendment to Rule II of Supreme Court United States,* 2 Wall vii.

Two questions—each of importance in the investigation of this case—spring from the preceding conclusion: Whether this Court in admitting Mr. Law to its bar acted judicially, or ministerially? And whether, if his admission was a judicial act, it gave him a property in his profession or office of attorney and counsellor?

The Constitution ordains that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as Congress may from time to time ordain and establish." Art. iii, sect. i. Accordingly, at the first session of Congress, an Act was passed "to establish the judicial Courts of the United States." The additional courts established by it are the Circuit and District Courts; and notwith-

standing these Courts are denominated inferior Courts, they are not so considered in the technical use of that term. 4 Dall., 11; 5 Cranch, 135; 8 How., 586. The District Courts of the United States, under their own proper powers, are Courts of law and admiralty. The distinctive grades in the legal profession which prevail in England, and to a limited extent in some of the courts in this country, have no substantial recognition in the Circuit or District Courts of the United States; in these the offices of attorney, proctor, advocate and counsellor are combined in one person. The 35th section of the judiciary Act of 1789 declares "that in all the Courts of the United States, the parties may plead and manage their own causes personally, or by the assistance of such counsel or attorneys at law, as by the rules of said Courts respectively, shall be permitted to manage and conduct causes therein."

Directly bearing upon the first of these questions is the case of *The Commonwealth ex rel., etc., of Breckenridge* v. *The Judges of the Court of Common Pleas of Cumberland County,* 1 S. & R., 187. A motion was made for a mandamus to be directed to the judges of that court, commanding them to proceed to the examination of the relator, and if found competent to *admit* him to practice in that court, as an attorney, etc. TILGHMAN, C. J. said "If it becomes a question whether the rules have been complied with, the court must decide. Can this be a ministerial act? or rather can anything be more decidedly judicial? The right of Mr. Breckenridge has been judicially decided; and if he is left without remedy by appeal, he is but in the situation of many other persons who have important interests decided in the court of common pleas; for many points of great importance are decided on motion, in which neither appeal nor writ of error lies." And on p. 195, YEATES, J., says "In the admission of an attorney the court acts judicially not ministerially." The mandamus was denied.

The case of *McLaughlin* v. *The District Court,* 5 W. & S. 272, was a motion for a rule to show cause why a mandamus should not issue to the district court, commanding it to *restore* the relator. ROGERS, J., announcing the opinion of the court, says: "It is ruled in *The Commonwealth ex rel., &c.,* v. *The*

Judges of the Court of Common Pleas, 1 S. & R. 187, that the admission of an attorney by a Court of Common Pleas is a judicial and not a ministerial act, and for that reason not the subject of a mandamus. That case is an authority directly adverse to the present application; in principle there is no conceivable distinction between them. If the admission of an attorney to the bar be a judicial act, by parity of reasoning his dismission must be judicial also."

In the matter of the application of Henry Cooper, 8 Smith, 67, the first Head Note is in these words: "In the admission of attorneys and counsellors the supreme court acts judicially. The function is not of an executive character." SELDON, J., in delivering the opinion of the court, referring to *ex parte Secombe,* 19 How., 13 and to other cases, says: "If the removal or suspension of an attorney be, as was held in these cases, a judicial act, it is difficult to see how the admission of an attorney is any the less so; especially when, as here, the court in the act of admission is required to pass, not only upon the sufficiency of the evidence of certain facts, but upon the constitutionality and validity of a statute, and thus to exercise the highest judicial functions ever entrusted to a court."

The case of *Secombe* was briefly as follows: The supreme court of the Territory of Minnesota was empowered by a Territorial statute to remove any attorney for wilful misconduct. Under this law Mr. Secombe was removed; and the order for removal set forth the cause. He presented a petition to the Justices of the Supreme Court of the United States, praying a mandamus to the supreme court of the Territory, commanding it to vacate the order. The prayer was denied. And Chief Justice TANEY, in giving the unanimous opinion of the Court, says: "The removal of the relator, therefore, for the cause above mentioned, was the act of the Court done in the exercise of a judicial discretion, which the law authorized and required it to exercise." And on page 15, he remarks: "The Court, it seems, were of opinion that no notice was necessary, and proceeded without; and, whether this decision was erroneous or not, yet it was made in the exercise of judicial authority, where the subject-matter was within their jurisdic-

tion, and it cannot therefore be revised and annulled in this form of proceeding." See also *ex parte Burr.* 9, Wheat., 529.

The authorities, from which these quotations are taken, are in themselves sufficient and conclusive to show, not only that the admission of an attorney, or counsellor, but likewise his suspension, or disbarment, is a judicial act or judgment. The admission of an attorney, or counsellor, where no fraud has been practiced on the Court, gives him the office for life. This privilege, franchise, or right to practice in the Court, has annexed to it the condition that his character shall continue fair, and that he will not abuse his office by criminal or immoral conduct. As an attorney, or counsellor, in my judgment, does not hold a public office or place, there is no forfeiture for non-user:—for if he chooses to practice his profession, he may do so; if not, not: he may withdraw from the practice and resume it at pleasure; he may be raised to the Bench, and return to the bar again—as was the petitioner himself, and where, from 1829 to 1835, in our highest State judicial tribunal, he presided with great learning and honor. *Vide, In the matter of Dormenon,* 1 Mar. 129. Carthew, 478.

The second question is, whether the petitioner, by virtue of his admission to the bar of this Court, has a property in his profession or office? The case of *The Admn'rs of Byrne* v. *The Adm'rs of Stewart* arose on a statute which inhibited persons holding certain offices under the state from practicing in the courts. The chancellor, in his opinion, remarks: "But the objection of most weight is, that this act, as it affects the defendant, will deprive him of a right which may fairly be considered a species of property. It cannot be denied that a man's trade or profession is his property, and if any law should be passed avowedly for the purpose of restraining any member of the bar, who is not a public officer, from exercising his profession, I should declare such law void." In 20 Johns. R. 492, the court says, that attorneys and counsellors "exercise a privilege or franchise." And ORMOND, J., in the case of *Dorsey, supra,* in speaking of the right to practice law, asks: "Can it be seriously contended that it is not a valuable right, and as deserving of protection as property?"

In the matter of John Baxter, decided at the May Term 1865, of the Circuit Court of the United States for the Eastern District of Tennesee, TRIGG, J., in an able opinion, construing the Act of Congress of January 24, 1865, says: "For if he" (the attorney) "neglects or refuses to take the prescribed oath he is effectually deprived of his office and the fees and emoluments theerof, as he could be by a forfeiture of the same upon a regular trial and conviction by *due process of law,* for the offences mentioned. These fees and emoluments," continues the judge, "are as much the *property* of the attorney as any choses in action can, in law, be the property of any other citizen; and, being property, the law in question, to the extent mentioned, punishes the attorney by a *forfeiture* of his property." OPINION OF THE HONORABLE CONNALLY F. TRIGG. Pamph. p. 10. Memphis, Tenn., 1865. This case and *Cohen* v. *Wright,* are the only reported cases that I have seen, in which this question came regularly before a court. In *Cohen* v. *Wright,* the court, CROCKER, J., delivering the opinion —in which NORTON, J., specially concurred—say: "The right to practice law is valuable to the possessor only. It cannot descend or be inherited, bought or sold, conveyed or transferred, can be divested and destroyed by mere order of the court, is subject to forfeiture by mere loss of moral character on the part of the possessor, and cannot, therefore, in any proper sense be deemed 'property,' or amount to a 'contract' in the Constitutional meaning of those terms." But the court in approaching this conclusion, say: "If the right of the attorney to practice law is property, within the clear intent and meaning of the constitution, there is much force in the position that the statute by depriving him of the right, without a judicial investigation, such as is usual in cases of that kind, violates this provision. Still it is not so clear as to be beyond a doubt, for it can hardly be said that he is 'deprived' of any thing when the law leaves it open to him to resume his privileges at any time by taking the oath, a failure to which is his own fault."—In another part of this opinion this oath will be transcribed and referred to.

Comparing the ruling of the United States Circuit Court, on this point, with that of the supreme court of California, it will be seen that the views of these Courts are opposed: at least there is some diversity of opinion. The former Court shows that an illegal result follows, by reason of the Act of Congress depriving the attorney of his office.—In other words, if the attorney will not, or can not take the oath, the statute itself deprives him of the fees and emoluments becoming due to him while in possession of his office under the sanction of the Court. The latter Court—if my interpretation is not erroneous—holds that no unlawful consequence follows, because the attorney has no property in his office, in the constitutional sense of that term. That an attorney, or counsellor, has a property in his fees and emoluments by the common, or statutory law, or by contract express or implied with his client, and legal modes of recovering the same, is well established. 1 Bal. Ab. *Attorney* (F.) 2 Gr. on Ev. sec. 139: 14 Geo. 87.

The first division of the last clause of the fifth article of the Amendment to the Constitution of the United States ordains that no person shall "be deprived of life, liberty, or property without due process of law." This declaration exhibits a summary of all the antecedent precautions contained in this article, and it places property in the same category with the more exalted blessings of life and liberty. Where property is possessed or owned by a person under existing laws, or where he has secured to him, by judicial authority (as in the case of an attorney or counsellor) the right or privilege to acquire and own property by his professional skill and industry —supposing this right or privilege, or future acquisition and ownership is, under this provision of the Constitution, property, (and, therefore, equally protected with property over which the owner has prehensible power), then he cannot be deprived of the property, nor the right, privilege, or franchise mentioned be extinguished, by the declaration of Congress, *per se;* and if he has forfeited either, the facts must be ascertained by due process of law, before the judicial tribunals of the country. *Murray's Lessee et al.* v. *Hoboken Land and Improvement Company,* 18 How. 272.

Whether, when an attorney or counsellor is, by the Court regularly licensed and admitted to practice law, this bestows upon him a property in his profession or office, is a question so interwoven with nice distinctions, that it is far from being easily resolved; but the present inclination of my mind is that it is not property, in the sense and import of that word or term as used in the Constitution; still, it is a right, privilege, or species of franchise under the immediate sanction and protection of the Court. I do not, however, entertain the remotest doubt of the power of Congress acting within the limits of its Constitutional authority, to prescribe by law who may be attorneys or counsellors of the National Courts, their qualifications, mode of admission, suspension and disbarment.

SELDON, J., in *Wynehamer* v. *The People*. 3 Ker., 433, gives the following definition of property: "Property is the right of any person to possess, use, enjoy and dispose of a thing. The term, although frequently applied to the thing itself, in strictness means only the rights in relation to it, (*Bouvier's Law Dic.;* 1 *Bla. Com.*, 138; *Webster's Dic.*)" And, indeed, after a most careful examination of all the authorities within my reach, I have failed to discover a definition of property stripped of the attributes of enjoyment and alienation. *Grotius* —Book 2, ch. 6, sec. 1, says: The exclusive right of using and transferring property follows as a natural consequence from the perception and admission of the right itself.

The petitioner having brought into Court a charter of free pardon and amnesty granted to him by the President of the United States, and filed with the Clerk an authenticated copy of his acceptance of the same, urged that this act of Executive clemency relieves him from being required, before he can appear and be heard as an attorney or counsellor in this Court, to take and subscribe the oath prescribed by the Act of January 23, 1865, because, as he says, this pardon and amnesty has restored him to all the rights subject to forfeiture by reason of his having "voluntarily participated in the rebellion." The Constitution (Art. ii. sec. ii, cl. 1), affirmatively vests in the President of the United States, the sole power to grant reprieves and pardons, except in cases of

impeachment. And the very nature and necessity of such an authority in every government, arises from the infirmaties incident to the administration of human justice.

In *ex parte Wells,* 18 How., 307, Mr. Justice WAYNE, in delivering the opinion of the Supreme Court of the United States, makes use of the following language: "Without such a power of clemency, to be exercised by some department or functionary of a government, it would be most imperfect and deficient in its political morality, and in the attributes of deity, whose judgments are always tempered with mercy." Mr. SPEED, Attorney-General of the United States, in his Opinion of May 1, 1865, elucidates in a masterly manner, the Constitutional power of the President to grant pardon and amnesty. And in defining these terms, he says: "A pardon is a remission of guilt; an amnesty is an act of oblivion or forgetfulness. They are acts of sovereign mercy and grace, flowing from the appropriate organ of the Government.—There can be no pardon where there is no actual or imputed guilt.—The acceptance of a pardon is the confession of guilt, or of the existence of a state of facts from which a judgment of guilt would follow." In a subsequent part of the Opinion he remarks: "After a pardon has been accepted it becomes a *valid* act, and the person receiving it is entitled to all its benefits." Afterwards he says: "Persons who have been constantly engaged in rebellion, should know distinctly what they are to do, when and how they are to do it, to free themselves from punishment in whole or in part, or to re-instate themselves as before the rebellion." In 12 Mod. R., 119, it is held that "Where a crime is pardoned all the effects and consequences thereof are also discharged."

I will not venture to illustrate or expand these citations, or to discuss this subject at length, but will bring my remarks to a close in a very few words. The language of the Act is general and explicit; and although it applies to a single order of persons only, it is gratuitous to say that it was the intention of Congress to limit the oath to any particular individual or class of this order; the plain words of the Act are, that it shall comprehend every attorney or counsellor upon his ad-

mission to the bar of a National Court, or who had been admitted previous to the 4th of March, 1865. Yet the effect of the statute is, that he who has not been in rebellion, can take the oath; he who was—notwithstanding he has received pardon and amnesty—can not. Therefore, while this Act is of force, neither pardon nor amnesty avail the petitioner, so as to make him a "new man." 4 Bla. Com. 402.

Was this result—this impossibility—foreknown to Congress?

Is this statute of the character contemplated by Sir William Blackstone? "But where," says that author, "some collateral matter arises out of the general words and happens to be unreasonable, there the judges are, in decency, to conclude that this consequence was not foreseen by the parliament, and therefore, they are at liberty to expound the statute by equity, and only *quoad hoc* disregard it." 1 Com. 91. What is said by the Commentator relates to the British constitution; but whether such reason alone, for setting aside a statute, or any portion of it, would obtain in this country is very questionable. *See* IREDELL, J., in *Calder* v. *Bull,* 3 Dall., 386; *Cochran* v. *Van Surly,* 20 Wend., 381; *The City of Bridgeport* v. *The Housatonic Rail Road Company,* 15 Conn. 475; *Parker* v. *Commonwealth,* 6 Barr, 507. *But* vide *Ross'* case, 2 Pick., 165; remarks of PARKER, C. J.

Chancellor KENT, (1 Com., 448,) says: "If there be no constitutional objections to a statute, it is with us as absolute and uncontrollable as laws flowing from the sovereign power under any other form of government." Here we have a written Constitution, forming the paramount and fundamental law of the nation, wherein is designated the power and duties of the National Legislature, as well as the other departments of the government; therefore, it must follow as a consequence, that none of the co-ordinate branches can infringe the power of any of the others—each division—legislative, executive, and judicial, must remain confined within its own Constitutional limits. It was ingeniously argued by one of the learned counsel, ex-Gov. Joseph E. Brown, that this Act imposes a penalty which cannot be remitted, and inflicts a punishment beyond the

reach of Executive clemency. Whether this statute really passes the Constitutional boundary, and is subversive of the pardoning power of the President, is a question of so nice and delicate a nature, that the solution of it would demand the most profound consideration; but, as the case before the Court does not absolutely require this question to be resolved, it will not be attempted. *See* Story on the Constitution, sec. 1498.

On the part of the petitioner it was contended that the Act of January 24, 1865—(in which the oath of office of July 2, 1862, may be, by relation, considered as embodied)—is in the nature of a bill of attainder.

Bills of attainder are statutes enacted by the supreme legislative power, *pro re nata,* inflicting capital penalties, *ex post facto,* without conviction in the regular course of administration through courts of justice.

But it has been said, that the person or persons, to be affected must be named in the bill, otherwise it is not a statute of this character. Dr. WOODDESON in his *Vinerian Lectures,* 13 Law, Lib. 510, lends a general substantiation to this position. He says: "It has been usual in times of domestic rebellion to pass acts of parliament inflicting the penalties of attainder on those *by name,* who had levied war against the king, and had fled from justice, provided they should not surrender by a day prefixed." Acts of attainder were generally framed in accordance with the foregoing extract, but not always so; for there are in the statute books, both of England and of Ireland, many statutes of attainder wherein whole classes of people, in bulk, were attainted, adjudged and convicted of high treason, without being named or otherwise legally designated; and—though it may be wholly useless to refer to the fact—without being called, arraigned, or tried.. But a distant allusion alone to these bills of attainder, and which in several material respects, differ from those mentioned by WOODDESON, and other writers, is not sufficient to an understanding of the grave question under immediate examination; therefore, so much of such of them as may direct to a legitimate, legal conclusion, may not inaptly, I think, be transcribed. At a parliament held at Westminster, the statute of 26 Hen.,

viii., c 25, 3 Stats. of the Realm, 529, was passed, entitled "An Act concerning the Attainder of Thomas Fittzgaralde, Erle of Gildare." It attaints and convicts the Earl of high treason, and deprives him of his estate, title, etc. Sec. II declares, "That all such persons which be or heretofore have been comforters, partakers, abetters, confederates, and adherents unto the said Erle in his said false and traitorous acts and purposes, shall, in likewise stand and be attainted, adjudged and convicted of high treason." By sec. III, it is provided, "That the same attainder, judgment, and conviction against the said comforters, partakers, abettors, confederates and adherents, shall be as strong and effectual in law against them, and every of them, as though they, and every of them, had be (*sic*) specially, singularly and particularly named by their proper names and surnames in this said act." Sec. IV enacts, that as well the said Earl, as other his said comforters, abettors, etc., "shall have and suffer execution of death for the same accordingly." Sec. VII., provides, that the attainder is not to be "hurtful or prejudicial," if they submit by a pre-signified day to the king or his lieutenant.

Some two years subsequent to the making of the preceding law, the 28 Hen., viii, c 18, *Id.* 694, was passed. This statute is entitled, "An Act concerning the Attainder of Thomas Fittzgaralde, and of his V Uncles." Reciting the 26 Hen., viii, c 25, the act declares that, "The said Thomas, late Erle of Gyldare, by whatsoever name or names he be called; James Fittzgaralde, *Knight;* John Fittzgaralde; Richard [Fittzgaralde]; Olyver Fittzgaralde; and Walter Fittzgaralde, be attained, adjudged and convicted of high treason;" * * * * and that the said late Thomas shall lose his title, dignity and estate of Earl of Gyldare. Section II, as in the preceding act, attaints "all such persons which be or heretofore have been comforters, abettors, partakers, confederates or adherents unto the said Thomas Fittzgaralde, late Erle," or unto his said uncles, and every of them. Section III. "And be it further enacted, by the authority aforesaid, that the same attainder, judgment, and conviction against the said comforters, abettors, partakers, confederates and adherents, shall be so

strong and effectual in law against them, and every of them, as though they and every of them, had been specially, singularly and particularly named by their proper names and surnames in [the] said act." Section IV. "And be it further enacted by the authority aforesaid, that as well the said Thomas, late Erle, James Fittzgaralde, *Knight;* John Fittzgaralde; Richard Fittzgaralde; Olyver Fittzgaralde; and Walter Fittzgaralde, now being in the Tower of London, for their said treason, and every of them, as the said comforters, abettors, partakers, confederates and adherents, and every of them, shall have and suffer execution of death for the same accordingly," * * * * and shall forfeit their estates, etc. "And that they, and every of them, for their said false and traitorous offenses, shall loose the benefit, liberation, and privilege of all sanctuaries." Shortly after the passing of this attainder, the young Kildare and his five rebel uncles were hanged at *Tyburn.* HERBERT'S LIFE AND REIGN OF HENRY THE EIGHTH.. P. 491. Ed. of 1682.

In Bishop Burnet's History of the Reformation, 1—Part 2—243, ed. of 1825, is printed at length, Parliamentary Roll, Act 60, *anno regni tricesimo secundo,* Henry 8, and his statute enacts, *inter alia,* that Thomas, late Earl of Essex, "shall be and stand by authority of this present parliament, attainted and convicted of heresy and high treason, and shall be adjudged an abominable and detestable traitor, and shall have and suffer the pains of death."

The 28th Eliz., ch., 1 *Irish* Stats. at Large, 391, attainted and convicted James Eustace, late Viscount Baltinglas, and his brothers, Edmund, Thomas, Walter, and Richard, of high treason; and by sec. II., prescribed as follows: "That as well the said James, and all others the said offenders and persons before named, AS SUCH OTHERS who by actual rebellion, and other traitorous practices have committed like abominable and detestable treason and rebellion, and have died and been slain in their said actual rebellion and treasons, or otherwise been, by martial law, executed for the same, and every of them, for said abominable and detestable treasons, by them and every of them, most abominably and traitorously committed, perpe-

trated and done against your highness," etc., "shall be, by authority of this present parliament, convicted and attainted of high treason. And that as many of the said offenders and persons before named, as be yet in life, shall and may, at your highness' will and pleasure suffer the pains of death as in cases of high treason," etc. Here the living and the dead alike were attainted and convicted. Many other acts might be cited, in which the dead were attainted. Let one (and it is the last of the kind, I believe,) suffice: 12 Car., ii 1, 30, attainted the remains of the great Lord Protector Cromwell, and others, who had sat in judgment on Charles the First.

The foregoing citations are amply sufficient to show (among other matters pertinent to this subject) that to constitute a statute of attainder, it was not necessary to name the persons accused, nor to call upon them to appear and defend before judgment.

Other occasional acts of parliament of a kindred nature to bills of attainder—but which inflict a punishment milder than death—known as bills of pains and penalties, will be noticed Treason itself has, in some instances, been punished by these statutes, as in the case of Lord Monson, Sir Arthur Haselrig, and others, who had been members of the High Court of Justice. 12 Car., ii c. 11, secs. 38 and 39. The 19 Car., ii., c. 10, adjudged the Earl of Clarendon a banished man for life, if he did not return to England within a certain period, and surrender himself for trial. The 9 Geo., 1, c. 18, 5 Stats. at Large, 477, ordered Bishop Atterbury to depart the realm on, or before, a fixed day; sentenced him to perpetual exile, and made it felony in him to return; and deprived him of all his offices, dignities, etc. This bill was passed, on what was, at the time, a bare supposition, that he was conspiring to bring in the Pretender.

Of the nature of bills of pains and penalties, and also closely allied to more than one of the acts of attainder quoted, are those statutes which despoiled certain portions of the people, and in one memorable instance a whole community, in gross, of their civil rights, without denominating by name or other legal, special manner, the persons to be affected, or sum-

moning them to appear and defend. The 22 Geo., iii., c. 31, disfranchised all the electors of Crickdale below a certain yearly rental. By the 1 and 2 Geo., iv., c. 47. 8 Stats. (U. K.) at Large, 358, the entire body of voters of Grampound were deprived of their electoral privileges.

In England a distinction is taken between bills of attainder and bills of pains and penalties; but when carefully noted and compared they will be found akin, and in close fellowship; and the following extract will prove the nearness of their identity. While the bill to inflict pains and penalties upon John Plunkett, was pending before the House of Lords, it was ordered by that House, that the opinion of the judges be asked, "whether if John Plunkett shall, after the passing of this bill, be indicted for the treasons of which he stands charged in this bill, he can plead this act in bar of such indictment?" And the judges, through the Chief Justice, answered: "That, if the said bill should pass into a law, he may plead the same in bar of such indictment." 16 State Trials, 365. Therefore, it would seem to follow, that, if the Act of Congress of January 24, 1865, or any part of it, be in the nature of a bill of attainder, and as such would affect the petitioner, it cannot be deemed any the less so because he is not named in it. And like reason would hold good, if it be technically, or in the nature of a bill of pains and penalties. DUER on the Constitutional Jurisprudence of the United States, Lect. xi. Mr. Justice STORY says: "But in the sense of the Constitution, it seems, that bills of attainder include bills of pains and penalties; for the Supreme Court have said 'A bill of attainder may affect the life of an individual, or confiscate his property, or may do both.'" Story on the Constitution, sec. 1338, citing, *Fletcher* v. *Peck*. 6 Cranch., 138, and Kent, Lect. xix.

Whether the Act of Januay 24, 1865, is in the nature of a bill of attainder was a point in judgment *In the case of John Gill Shorter, and other attorneys, for leave to practice in the Circuit and District Courts of the United States, for the District of Alabama, without first complying with the requirements of said statute.* And BUSTEED, J., in an opinion marked by precision and force, says: "Does it not in fact disfranchise

the class of men known as lawyers, under the pain of not taking the oath it prescribes? Is not this the logical and necessary consequence of their refusal? Does it not disfranchise them when it requires them to take the prescribed oath, before they can exercise their vocation? Is it not an assumption by the legislature of judicial magistracy? Is it not 'pronouncing upon the guilt of the party without any of the common forms and guards of trial?' " DECISION OF THE HONORABLE RICHARD BUSTEED. Mobile *Register and Advertiser,* Dec. 17, 1865.

Bestowing upon this particular question the utmost care and solicitude—and with unfeigned regret of my inability to discuss it in a manner answerable to its gravity—I cannot regard the retrospective part of this oath otherwise than as a bill of pains and penalties—possessing the charactertistic attributes of a bill of attainder, except the death penalty. In the arbitrary, technical sense it may not be so called; but when it is so plainly observable that by its own inherent force it effectuates the destruction of the rights of a large order of persons, and is substantially and in effect a bill of pains and penalties, I know no other term in our language adequate to express it. By operation of the legislative will alone, Mr. Law is already adjudged—adjudged without due process of law; and, although forthcoming, not called to trial, according to the general laws of the land; the statute affecting his person as directly and accurately, as though he were named in its body—disenabling him from appearing or being heard, as an attorney or counsellor, at the bar of this Court, and thereby depriving him of the right to acquire and own property, by his professional skill and labor. But if the conclusion at which I have arrived is erroneous, and the retroactive clauses of the oath do not contravene any portion of the Constitution of the United States, still he is encompassed by an impassible barrier during the remainder of his days, or until these supposed obnoxious clauses of the oath are modified or repealed by Congress.

The following additional objections were presented: First, that the Act of Congress of January 24th, 1866, is a penal law. This may be disposed of at once. After a careful analysis

of this statute, and perceiving, as I apprehended, the manner in which it necessarily affects the party now before this Court, it seems clear, on principle and on authority, that the several retrospective divisions of the oath are highly penal. The following cases are referred to, in suppost of this expression: *Leigh's* case; *Dorsey's* case; *In the matter of Shorter et al.;* and *In the matter of Baxter.* Agreeing with these authorities, this question may be considered settled, so far as this Court is concerned, until such time as the Supreme Court of the United States shall have decided it otherwise.

The *second* objection taken was, that the Act is in violation of so much of the ninth section of the first article of the Constitution as declares that no "*ex post facto* law shall be passed;" and also that it contravenes that clause of the fifth section of the first article of the amendments to the Constitution, which prohibits any person from being compelled, in any criminal case, to be a witness against himself, or being deprived of life, liberty or property without due process of law.

In the case of *Leigh, supra.* Mr. Leigh applied to the Supreme Court of Appeals of Virginia for admission to its bar. But he was met by a statute of that State, requiring "every person who shall be appointed to any office or place, civil or military, under the commonwealth, shall, in addition to the oath now prescribed, take the following oath," to wit: "That he hath not been engaged in a duel by sending or accepting a challenge to fight a duel, or by fighting a duel, or in any other manner in violation of the act, 'entitled an act to suppress duelling,' since the passage thereof;" and further, that he will not be concerned directly or indirectly in such duel, during his continuance in office. *Id.* 485. The point for judgment in this case was, whether practitioners of the law were public officers? TUCKER, J., was of opinion that they were. But ROANE, J., and FLEMING, C .J., decided otherwise; and Mr. Leigh was admitted without taking the additional oath. The majority of the court, in their opinions, animadverted upon the statute in very expressive terms. ROANE, J., said: "It is unusually *penal,* if not tyrannical, in compelling a party to stipulate upon oath, by the 3d section, not only in relation to

his past conduct, and present resolution, but also for the future state of his mind." And the Chief Justice—after remarking that it was an "oath unknown to the laws of the State, or of the United States"—adds: "I cannot but consider it a penal statute, and as *such* must give it a strict interpretation.

In the matter of John Dorsey, supra. On the seventh of January, 1826, the legislature of Alabama passed an act, commanding all public officers, and attorneys and counsellors at law, before entering upon the duties of their offices or stations, to take the following oath, to wit: "I do solemnly swear that I have neither directly nor indirectly, given, accepted, or knowingly carried a challenge in writing or otherwise, to any person or persons (being a citizen of this state) to fight in single combat, or otherwise, with any deadly weapon, either in, or out of the state, or aided or abetted in the same, since the first day of January, 1826;" and that he will not hereafter give, accept, or knowingly carry a challenge, etc. "And any attorney or counsellor at law, failing or refusing to take the said oath, shall not be permitted to practice, as such, in any court of this state."

The validity of this Act came regularly before the court, and a majority of the court decided, the retroactive portion of the oath, to be unconstitutional and void. COLLIER, C. J., dissented. GOLDTHWAITE, J., in delivering the opinion says: "I have given the subject the consideration demanded by its importance as a constitutional question, and am convinced that one part of the oath imposed by the general assembly, usually called the duelling act, is inhibited by the constitution. As the oath is not divisable, and is, in part, unwarranted by the fundamental law, in my opinion, we ought not to require it to be administered." ORMOND, J., says: "This is a highly penal law, it excludes, unless its terms are complied with, all persons from practicing as attorneys and counsellors at law in the courts of this state." On p. 380, he says: "The tenth section of the bills of rights, among other things, provides that no one 'shall be compelled to give evidence against himself, nor shall he be deprived of his life, liberty, or property, but by due course of law.' After a patient and mature exami-

nation of the matter, I am of opinion that the requisitions of the expurgatory oath, exacted by this law, offends against this portion of the bills of rights."

The case of *Cohen* vs. *Wright, supra,* arose on an Act, passed April 25, 1863, by the legislature of California, entitled "*An Act to exclude Traitors and Alien Enemies from the Courts of Justice in Civil Cases.*" The 3d section of the Act reads: "No attorney at law shall be permitted to practice in any court in this state until he shall have taken, and filed in the office of the county clerk of the county in which the attorney shall reside, the oath prescribed in this act; and for every violation of the provisions of this section, the attorney so offending shall be considered guilty of a misdemeanor, and on conviction shall be fined in the sum of one thousand dollars." The following is the form of oath to be taken by plaintiffs, defendants and attorneys, to wit: "I [here insert the name of the plaintiff] do solemnly swear that I will support the Constitution of the United States, and the constitution of the state of California; that I will bear true faith and allegiance to the Government of the United States, any ordinance, resolution, or law of any state, or territory, or of any convention or legislature thereof, to the contrary notwithstanding; that I have not, since the [here insert the date of the passage of this act] knowingly aided, encouraged, countenanced, or assisted, nor will I hereafter, in any manner, aid, encourage, countenance or assist the so-called Confederate States, or any of them, in their rebellion against the lawful Government of the United States; and this I do without any qualification or mental reservation whatsoever." The first and second clauses of the oath state, in plain terms, that the affiant will support the Constitution of the United States, and the constitution of the state of California. "The next clause," says Mr. Justice CROCKER, in delivering the opinion of the court, "that the party has not, since the passage of the act, and will not aid, encourage, countenance or assist those now in rebellion against the United States, is a solemn declaration or pledge; a declaration that the party has not committed since the passage of the law, and a pledge that he will not commit

any treasonable act against the National Government. So far as it is a pledge of future good conduct, it is but expressing in another form, that he will support the Constitution, and bear true allegiance to the United States, and to that extent clearly is not opposed to this section" [Art ii, sec iii] "of our state constitution. So far as it is a declaration of past conduct, it seems to go beyond the strict letter of the constitutional oath, and we have therefore, had a doubt of its validity. It does, however, but carry out the object, design, and spirit of the constitutional oath; and as it is not an unreasonable requirement, being confined to acts since the passage of the law, and does not clearly violate the constitution, we are unwilling to declare it void on a mere doubt. "The act," say the court, toward the close of this branch of the case, "is not retrospective, as it merely requires the party to swear that he has not committed any treasonable act *since* its passage. It does not relate to any act done *before* that time."

In the matter of Baxter, supra, TRIGG, J., says: "Now assuming that Mr. Baxter has been guilty of some one or more of the acts enumerated in the prescribed oath, or rather in the *law* we are considering (for the oath, as before stated, must be considered as incorporated in the body of the act) the question then arises:—Does this law of Congress, render the act committed *punishable* in a manner in which it was not punishable when it *was* committed? Does it affect him, by way of *punishment* of the act, either in his person or his estate *differently* from what it would have done before the passage of the law, and at the time the act was committed? If it does, then under the authorities before cited, it is an *ex post facto* law, and, being repugnant to the Constitution, is void." And in the next paragraph the judge says: "But this law *extends* the punishment of the attorney, by virtually depriving him of his office in the Courts, and thereby forfeiting whatever of the emoluments of his profession he may be entitled to upon contracts with his clients for services to be rendered, or which have been in part performed, and not yet completed. * * * * And the effect of the law being thus penal in its consequences, and *punishing* the attorney for the acts

mentioned in the oath, in a manner in which they were *not* punishable, when committed, then, tested by the principles laid down in the cases of Calder v. Bull and Fletcher v. Peck, I am constrained to declare that the act in question is opposed to the Constitution of the United States, is *ex post facto* in its operations, and therefore not a valid law." Pamph. 10.

BUSTEED, J., in *Shorter et al., supra,* declared the act to be "highly penal in its general scope and effect." The judge also determined it to be *ex post facto;* and gave the following cogent illustration in support of his decision, on this point: "One of the clauses in the Act of Congress of the 2nd of July, 1862, and which is embraced in the oath required by the act of January 24, 1865, is as follows: "That I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States.' This abjuration is not confined to any period. It covers the lifetime of the affirmant. Before the 24th of January, 1865, a British subject could be admitted to all the rights of citizenship in the United States, by taking the oaths of naturalization. Without being naturalized, he might be admitted to the bar of this Court upon complying with the rules of the Court. But if, during the period of war between the United States and Great Britain, half a century ago, he had held office in the kingdom of which he was a native, and was then a subject, he could not comply with the requisitions of this statute, and could no longer exercise his privilege as a member of the bar of this Court. The right acquired by his naturalization, and by the rules and orders of the Court, would be annulled by a law *ex post facto,* and for an act innocent, or even praiseworthy, when it was done."

It was likewise the opinion of the Court, that the statute compelled the party to be a witness against himself. "It is unworthy of the great question," observed the judge, "to say that a man is not obliged to put himself in the supposed dilemnna; that all that he has to do is not to attempt the practice of his profession in the National Courts, and he will not run the risk of testifying to his own guilt. This is the

merest and the shallowest sophistry. If he keep silence, he is thereby deprived of a constitutional right; if he speak, he becomes a 'witness against himself.' Judgment of condemnation instantly follows the coerced acknowledgement of guilt, and an act of the legislature is thus made to take the place and exercise the functions of the judicial office. Now, if Congress may bring about such a result to a man, is it not doing, by indirection, what it is expressly prohibited from doing directly?"

Concurring in the decision of the United States Circuit Court, in the case of *Baxter,* and that of the United States District Court, in *Shorter et al.,* it might seem unnecessary to offer further or other argument on subjects which have, already, been so satisfactorily treated; but as the same questions which arose before those Courts, were also discussed here, it is due to counsel that the views of this Court be signified:—little, however, can be added.

In *Fletcher* v. *Peck,* 6 Cranch, 138, it was said by the Supreme Court of the United States that an *ex post facto* law is one which renders an act punishable in a manner in which it was not punishable when it was committed. "This definition," says KENT, "is distinguished for its comprehensive brevity and precision, and it extends to laws passed after the act, and affecting a person by way of punishment of that act, either in his person or estate." 1 Kent, 409. And the supreme judicial court of Massachusetts, in *Ross'* case, say: "Adding a new punishment, or increasing the old one for the same offence, would be *ex post facto.*" 2 Pick., 165. *"Ex post facto* laws relate to penal and criminal proceedings." 1 Kent, 409. Carefully observing the foregoing definitions, it may be said, that an *ex post facto* law is a retroactive penal or criminal law, and no other.

The design and object of a law is to regulate conduct, to prescribe and fix a rule or guide for it; and therefore, a law attempting to regulate past conduct undoes itself, and involves an inconsistency and contradiction. By the attaching of a new or cumulative consequence to a past transaction, does not regulate it, for a by gone act is beyond the reach of regulation.

SIR WILLIAM BLACKSTONE says, that all laws should be made "to commence *in futuro,* and be notified before their commencement which is implied in the term 'prescribed.' "

There are several clauses or divisions in the retrospective portion of the oath; the first is as follows: "I do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen hereof." If a citizen of the United States, or an alien, while he, or his family and effects, are under the protection of the government, has voluntarily borne arms against the nation—the United States—it is a levying of war against them; and this is treason, the heaviest and most atrocious offence known to the law; it is the sum of all crimes, for it is committed against the duty of allegiance.

By observing the first clause it cannot but be noticed that, although it is couched in negative language, it nevertheless implies affirmatively that the party taking the oath may have borne arms against the United States within the period of which he has been a citizen. He does not swear positively that he has not borne arms against the United States since he has been a citizen thereof, but on the contrary, his oath is pregnant with the admission that he has; and so by implication he inculpates himself, and at the same moment exculpates himself, by testifying that he did not commit it *voluntarily;* and thus, the facts and the law being interwoven, he swears to matter of law, or rather to a conclusion of law.

It is a well settled rule, and knows no exception, that an act done from compulsion or necessity is not a crime; but the *degree* of necessity that will excuse is often, however, a nice matter to decide. *Respublica* v. *McCarthy,* 2 Dall., 85, *United States* v. *Vigol,* Id. 346. 1 Russ. on Crimes, 664, 665; 1 Bishop on Criminal Law, secs. 441 to 448. Allison Crim. Law, 627, 673; 1 Hume Crim. Law, 50, 51. *The Argo,* 1 Gall. 150, 157. *The New York,* 3 Wheat., 59.

It is in evidence that the petitioner fell within the 13th exception of the Proclamation of May 29th, 1865, and that he received and accepted a grant of pardon and amnesty from the

President of the United States. This grant was inspected by the Court and declared to be a valid act, and that the recipient ought to have the full legal benefit of it.

Now, if this pardon in addition to absolving the offence, also restores to him his confiscated property, not judicially condemned to the United States, by parity of principle, it likewise restores to him his property or right of property, in the fees and other emoluments accruing to him for professional services as an attorney, proctor, &c.

Suppose a member of the bar were indicted for treason; because of his having levied war against the United States, and he brings into the Circuit Court before which he stands charged, a pardon for the offence, and he pleads it in bar, or by other proper mode presents it for judgment—on the reading of the indictment, or on arraignment, or during trial; or after verdict, in arrest of judgment; or after judgment, in bar of execution—and his plea or motion is allowed, and he goes without day, is not this the end? By this are not all the effects and consequences of the crime discharged, and the party become a "new man?"

But, notwithstanding the accused has the benefit of the pardon adjudged to him by the Court, yet he cannot be permitted to appear and be heard in any Federal Court, unless he shall have first taken and subscribed an oath, (which oath is already quoted), the first clause of which is in substance, that he has never voluntarily borne arms against the Nation, since he has been a citizen thereof. In this clause, as is perceived, is inclosed the fact that he did not voluntarily commit the offense for which he stood indicted, or was arraigned, or tried, or adjudged, and which particular offense he himself in open Court, by his plea, confessed he had committed voluntarily. Surely the exacting of this oath is a punishment, for it effectually disenables all who have done any of the acts mentioned in the oath, though they have received and accepted a full pardon and amnesty for the offenses. It is not a mere temporary suspension from the practice, but a disbarment—a perpetual exclusion from the National Courts. The Act punishes the party in a manner in which he was not punishable

when the act was committed, and in a manner not conformable to the fundamental law of the land. The requirement of this oath brings its restrospective clauses directly within the ruling in *Ross'* case: "Adding a new punishment," say the court, "or increasing an old one for the same offense would be *ex post facto.*"

In these remarks, I have touched upon the first clause only; but on examination of the others, it will be found that the same peculiarities pervade them as are inherent in the first, and that like results flow from them. See the exposition of the third clause *per* BUSTEED, J., *supra.*

It may be wholly foreign to notice the fact that if the party required to take the oath be a native citizen of the United States, every word of the retrospective part of the oath would affect every hour of his past life. 2 Kent, 258 *note.* 4 Bla. Com., 23; *Boyd* v. *Banta,* Coxe, 266; 1 Russ. on Crimes, 1 to 10; 1 Bishop on Crim. Law, sec. 460, 461, 3d Ed.

Applying the principles advanced in the case supposed to this of the petitioner, the same results will be obtained.

Directing attention to the cases of *Leigh* and *Dorsey,* and *Cohen* v. *Wright,* it will be seen, that in Leigh's case the law only required the attorney to swear that he had not transgressed the statute "since the passage thereof." Notwithstanding this oath may on strict construction, be deemed prospective, yet it was censured in strong language by a majority of the court.

In *Dorsey's* case the oath to be taken was, not that the party had not violated the provisions of the statute since its enactment, but from a period prior thereto. As already observed, a majority of the court decided the retroactive portion of this oath to be unconstitutional and void.

In *Cohen* v. *Wright,* the court expressed some doubt as to the validity of the oath (quoted in full in a former part of this opinion) "so far as it was a declaration of past conduct."

But, it remarked: "The act is not retrospective as it merely requires the party to swear that he has not committed any treasonable act *since* its passage." And near the close of the opinion it was said: "The law warned him what the result would be, and although it may be severe, it is a consequence of his own voluntary violation of the fundamental rights of society."

To require a person, under any circumstances, to take an oath of innocence of crime, even when he had warning by a pre-ordained law—and warning, it is said, is the end of punishment—is a rigid exaction. Yet it was observed, and by an eminent court, in the case last cited, in speaking of the oath before it that "it seems to go beyond the strict letter of the constitutional oath," * * * It, however, does but carry out the object, design and spirit of the constitutional oath; and as it is not an unreasonable requirement, being confined to acts since the passage of the law, and does not clearly violate the constitution, we are unwilling to declare it void on a mere doubt."

But the particular question now before this court is of still greater importance, because the oath of expurgation required by the Act of Congress, approved January 24, 1865, goes back and searches the conscience of the petitioner during the whole course of his life—retroacting upon him for a period little less than three-quarters of a century anterior to its passage by Congress. That the imposing of this oath (so far as the retrospective part of it is concerned) is virtually compulsory, and effectually punitive, cannot, in my judgment, be denied. It makes the party swear to a life long innocence, and to testify against himself, and herein it is an infraction of the fundamental law of the land.

And while preparing this opinion, I have not been unmindful of the magnitude—nay awfulness—of the responsibility which devolves upon a Court in pronouncing against even a part of a solemn Act of the Congress of the United States.

JUDGMENT.

Upon argument had on said motion of the petitioner, Mr. LAW, and after full consideration of the matters of fact, and of law involved in the rule *nisi*, it is ordered and adjudged by the Court, that the Act of Congress, approved January twenty-fourth, eighteen hundred and sixty five, so far as it was intended to apply to this case, is repugnant to the Constitution of the United States.

Motion granted.

The Case of George McIntosh

BY THE EDITOR

Among the prominent families in Georgia that of McIntosh holds a record equal, probably, to any in historical importance and interest. At its head we place, without fear of contradiction, the name of General Lachlan McIntosh, whose service to his country in the time of its struggle for independence should never be forgotten, and whose career has never been as highly appreciated as it deserves. We regret that no adequate biography of him has ever been written. His reputation has suffered more than the circumstances justified in the matter of his duel with Button Gwinnett, by reason of the power exerted by the Gwinnett party immediately following the death of their leader. Great injustice to him was also caused by the letter attributed to William Glascock in the latter part of the year 1779, and that matter has never been explained so as to show the character of General McIntosh in its proper light.

The subject matter of this article was the occasion of great joy to General McIntosh's mortal enemy, Button Gwinnett, who made much of a matter which would not otherwise have attained the notoriety it received. Gwinnett, at that time, was President of the Georgia Council, and, in the language of Chas. C. Jones (History of Georgia, vol. II pp. 279, 280) "gladly availed himself of the opportunity thus afforded to mortify General Lachlan McIntosh and vent his wrath against him upon his brother."

We have to go to original documents for information concerning George McIntosh, as his name does not frequently occur in any of the histories recording events transpiring during the period in which he lived. It is true that he is mentioned here and there; but references to him are so brief that the general reader does not reach the conclusion that he deserves more consideration than any ordinary man.

George McIntosh was a man of education, and his knowledge secured for him positions of honor and profit. He must have been well fitted for the work of surveying, as, in the

year 1766 he was appointed by the General Assembly a commissioner to lay out a road of importance in the southeast portion of the Province; was, in 1768, made the official surveyor for the Parish of Saint Andrew; was, by the tax act of 1770, granted the sum of ten pounds for surveying a place known as "Butter Milk Bluff;" but, more important still, he was, in the last mentioned year, assigned by the Legislature as the special agent to lay out the town of Brunswick. In this connection it is interesting to have the words of DeBrahm who, on page 32 of the Wormsloe edition of his "History of the Province of Georgia," in a foot note, records the fact that "In 1771 a Town was laid out on the said Spot, and called Brounswig, many are the Petitioners who have applied to the Governor in Council for Properties in this new Town—from its Situation extremely promising."

In 1764 George McIntosh was a member of the Commons House of Assembly, and in the month of December he was granted leave of absence "during pleasure," but in October, 1765, he was, by resolution, required to appear in his seat. Whether he was absent all that time we do not know. He was a representative in the same Assembly, from Saint Andrew's Parish both in 1768 and 1772.

When the first Provincial Congress of Georgia, appointed to take into consideration matters of the greatest moment leading to the final separation of the Colonies from Great Britain, met on the 4th of July, 1775, in Savannah, George McIntosh was present as a representative from Saint Andrew's Parish. Archibald Bulloch was the President and George Walton was the Secretary of that Congress. He was a member of the Council of Safety and was present May 14th, 15th, 16th, 17th, June 8th, 11th, 18th, 19th, 20th, 21st, Sept. 20th, Oct. 2d, 7th, 10th, 18th, 21st, 22d, and Nov. 23d and 25th, 1776.

On the 22d of November, 1777, while Archibald Bulloch, President of Council, was absent and matters concerning the settlement of estates, at that time within the jurisdiction of that body, coming up for action, George McIntosh was one of eight members who signed a paper consenting to the reference of those matters to the President, then confined to his

home by sickness, which was probably his last attack, as he died during the month of February following. The consent was in the words: "We, the subscribers, being_____ of the Council, and members of the said Court, have no objections to the same being done before his Excellency the President at his chambers (in consequence of his indisposition and inability to attend the Court) in case his Excellency shall think proper so to do."

The story of the troubles of George McIntosh begins with the dispute between Governor John Adam Treutlen and William Henry Drayton, of South Carolina. In the year 1777, as is well known, a proposition was made to unite the States of South Carolina and Georgia, and Drayton was appointed one of the commissioners on the part of the former to make the proposition to Georgia. At that time Treutlen was the Governor of Georgia, having been elected over Button Gwinnett by a large majority. Feeling in Georgia ran high, in consequence of the proposed union, resulting in the proclamation of Treutlen, offering a reward of one hundred pounds for the capture of Drayton and others, who were charged with endeavoring to poison the minds of the good people of this State against the Government thereof." To that proclamation Drayton made an angry reply in which he took occasion to charge Treutlen with being unjust towards George McIntosh, "who," he said, "I consider as an abused gentleman, arbitrarily ordered into a distant State, to be tried by those who have no jurisdiction in such a case, and far out of the reach of a jury of his vicinage—circumstances of tyranny and total disregard to the most valuable rights of the people," &c. The charge of injustice against George McIntosh grew out of a circumstance which will now be related.

On the 8th day of January, 1777, McIntosh was arrested by order of the President of the Council of Safety, and lodged in jail on a charge made in an intercepted letter of Governor Tonyn, of East Florida, to Lord George Germain. This action grew out of an affidavit filed with the Council of Safety Nov. 23d, 1776, by Edward Davies, charging "that about the 25th day of October last, he was at St. Augustine, and that Mr.

(Roger) Kelsall told him that the brig *Beaufort,* now lying in Ogeechee River, was expected daily at Mr. (William) Panton's address. As the said brig belonged to the deponent and partners, he applied to Mr. Panton to know on what account she was to come away. Mr. Panton answered she was licensed by Governor Tonyn for St. Augustine, and requested of the deponent to know where he would receive said vessel, she being on monthly wages, but in case of capture a valuation was to be paid in a sum unknown to the deponent." The Council then instructed General Lachlan McIntosh to "take into his possession the sails belonging to the brig *Beaufort,* and prevent the said brig from proceeding on her voyage till further orders from this Board." It appears that Panton had stored at Sunbury a large quantity of goods, and had obtained permission of the Council of Safety to exchange them for rice, provided he would. give bond with security that the goods would not be discharged in any district over which England had jurisdiction.

In the intercepted letter of Governor Tonyn the writer said, among other things, that Panton "had been greatly assisted by Mr. George McIntosh who is compelled to a tacit acquiescence with the distempered times," and "I am informed that his principles are a loyal attachment to the king and constitution. He would, my lord, be in a dangerous situation was this known."

Sir James Wright, who had been arrested in his home by the "Liberty Boys" under the leadership of John Habersham, made his escape and went to Halifax, and afterwards wrote a letter to Lord George Germain, on the 8th of October, 1777, quoting passages from a letter "from Mr. Wm. Brown, late acting Comptroller and Searcher at the Port of Savannah, in Georgia, a person whose veracity is unquestionable," these words: "Lachlan McIntosh (the Rebel General in Georgia), is in confinement for killing Gwinnett—George McIntosh (a great Rebel) being informed there was an intention to send him to the Northward to be tried for selling Provisions for the use of the Garrison at St. Augustine, has absconded, and a Party of Soldiers are living at free Quarters on his Planta-

tion————————. The Carolinians taking the advantage of the disputes in Georgia, the Death of Gwinnett, and the disgrace of the McIntoshes, who all violently opposed the former Attempt to unite Georgia to Carolina, mean to revive the matter, and to send General Moultrie to enforce it, if they can't otherwise accomplish it."

In the year 1793 a suit in equity was brought against General Lachlan McIntosh and others by John McIntosh, son of George, to compel the former to render a true account of matters pertaining to the administration of George McIntosh's estate. To the bill in equity General McIntosh filed a lengthy reply which is herewith given mainly for the facts of history contained in it:

STATE OF GEORGIA:—

On the Equity side of the Superior Court.

John McIntosh, Complainant, by his next friends—

William and Lachlan, the elder, Esquires—

The answer of Lachlan McIntosh, one of the defendants to the Bill of the Complainant.

This defendant being required by the Bill of the Complainant to discover facts relative to the estate of the intestate George McIntosh, the Complainant's father, long before he had taken any part in the administration of it, and being willing in order to do every possible justice, and render every satisfaction in his power to the Complainant, to go into a narrative of the transactions of the estate as far as he can recollect, prior to his taking part in the administration of it; at the same time saving and reserving to himself now and at all times hereafter all and all manner of benefit of advantage of exception to the many insufficiencies, uncertainties and other imperfections and defects in the Complainant's Bill contained, for answer thereto or to so much thereof as this defendant thinks is any ways material or necessary to answer, he answereth and saith: That after the peace of Aix La Chapelle the latter end of the year one thousand seven hundred and forty eight, every resource this then young Colony, now State of Georgia, had for its support being withdrawn, it became almost entirely

depopulated; that among other emigrants this defendant left his parents and went to Charleston, South Carolina, where he carried his youngest brother, the late George McIntosh, the father of the Complainant, who was at that time about eleven years of age, put him to a grammar school at this defendant's own expense, and after the said George had acquired such other accomplishments as were then taught at that place, this defendant bound the said George for four years to an Architect and allowed him one hundred pounds Carolina currency a year during the term of his the said George's apprenticeship for pocket money, purchased a negro boy for him to be brought up to the same business with himself, and to attend upon him, who is still alive, as this defendant believes, and the most valuable slave belonging to the Complainant being the chief manager of his estate: This defendant further answering saith that after the term of the said George's apprenticeship expired, this defendant brought him back to Georgia and got him appointed commissary of supplies for the Troops in garrison at Frederica, and other ports dependent thereon, instructed him in geometry and surveying and furnished him with books for those purposes, in order that the said George might by those means acquire a more perfect knowledge of his own Country and have an opportunity of geting the most valuable lands at that early period for himself, as this defendant advised and directed him. And as the inclination of the said George soon after his return from Charleston led him to planting, this defendant was also his security in Charleston for the first parcel of Negroes the said George ever purchased, with which and his own industry he acquired all the property he every possessed. Of all these advantages he made the best use and became one of the most thriving planters in this State, uniformly ascribing all his successes to this defendant's steady friendships to him, and always declaring and looking upon this defendant in the light of a father and tryed friend, rather than a brother; And this defendant further answering admits it to be true that the late George McIntosh, brother to this defendant and father of the Complainant, did depart this life at or about the time mentioned in the Complainant's

Bill of complaint, and that the said George died intestate and without a Will, to the best of this defendant's knowledge and belief; And this defendant admits it to be true that the Complainant is the only child of the said George McIntosh now living, and that the said George was at the time of his death possessed of a considerable real estate in Lands amounting to the best of this defendant's knowledge to thirteen thousand and eighty acres consisting of forty five tracts situated in the different Counties of Liberty Glynn and Camden in this State, and also of a Lot of Land in Savannah. The Grants and Titles to which said Lands and Lot were on the third day of July in the year one thousand seven hundred and ninety two delivered to the Complainant, by this defendant as by his receipt appears. And this defendant further answering admits it to be true that the said George at the time of his death was possessed of a considerable personal estate, consisting of negroes, and other things, but denies that there ever came to this defendant's hand and possession any more or other of the personal estate of the Intestate than the Negroes mentioned in the Inventory herewith exhibited and appraised at three thousand seven hundred and sixty two pounds on the ninth and eleventh of August one thousand seven hundred and eighty four, and on the seventeenth day of January one thousand seven hundred and eighty-six, and seventeen pieces of silver consisting of spoons and other old plate which was neglected to be put in the appraisement and is kept as a memorial for the Complainant of his Parents whom he can hardly remember: And this defendant further answering saith that he was at Augusta when he first heard of the death of the Intestate, that he immediately came down, but did not arrive until some days after his funeral, that the short time this defendant stayed at the habitation of the Intestate, he principally inquired and examined into his papers, which were scattered about and huddled into unlocked broken trunks, but found none of any consequence except the Grant and Titles for the land before mentioned, which were all put carefully into a small portmanteau trunk and secured by the defendant's wife and family, in a pursuit by the enemy of seven or eight hundred miles, while he this defendant was a

prisoner in Charleston, being captured at the siege of that City, in the year of our Lord one thousand seven hundred and eighty: And this defendant further answering saith that about the time he came down from Augusta after his brother's death he engaged a Waggoner to carry to Charleston to the care of McPhilip Minis, since deceased, a parcel of Indigo belonging to the Intestate which Indigo he never saw nor does he know the quantity but sent it there that it might be secured out of the reach of the enemy and has since been informed and believes it was afterwards delivered to the order of Sir George Houstoun; all the personal estate besides of every description was in the hurry of the retreat from the common enemy left in the care of the overseer on the Intestate's plantation at Sapelo river. And this defendant further answering denies that he did immediately after the death of the said George apply for the administration of his estate to the Superior Court of this County, but admits it to be true that sometime in the year one thousand seven hundred and eighty three, after the evacuation of Savannah by the British forces at the solicitation of the late Sir Patrick and the present Sir George Houstoun, he this defendant agreed to join them together with James Houstoun in the administration of the estate of the Intestate George, provided they would give this defendant no trouble in the administration of it, in pursuance of which solicitation an assent of this defendant's application was made and letters of Administration this defendant believes were granted to them; accordingly, on or about the thirtieth day of October one thousand seven hundred and eighty three, but this defendant denies that he ever qualified or acted under those letters. And this defendant further answering admits that true it is that some time after the said Letters were granted, if granted at all, to wit about the tenth day of December in the year last aforesaid William McIntosh, the elder, a brother of this defendant and a co-defendant to the Bill of the Complainant petitioned the Chief Justice of this State praying for a revocation of the letters granted to the said Sir Patrick, George and James Houstoun and this defendant, and that the administration of the estate and effects of the said Intestate might be granted to him

the said William as eldest brother of the Intestate, and to such others as by law or open consent might be entitled to the same, that the Chief Justice on considering the said petition granted the prayer thereof, and thereupon adjudged, that the administration of the Estate & effects of the said Intestate of right belonged to the said William, the petitioner, whereupon he the said William without the knowledge or consent of this defendant had his, this defendant's, name joined with the said William's in the Judge's order for the Letters, but this defendant having shortly before that period returned to this State after an absence of near five years, on being exchanged for General O'Hara, his family then in Virginia and his affairs much deranged by the War which required all his attention, in his advanced stage of life, refused to qualify or have anything to do with the said estate for a considerable time, however on seeing the estate of his said brother George much neglected and wasted, and being impressed with the necessity of his joining the said William in the Administration of it in order to save it as far as possible for the Complainant, the only child and representative of the Intestate, this defendant did on the twenty fourth day of May one thousand seven hundred and eighty four qualify with the other defendant to this Bill and take upon himself jointly with him the administration of the said estate. And this defendant further answering denies that he has acted as an administrator ever since the letters were granted, because this defendant says that he never got possession of the Negroes of the said estate till about the first day of January one thousand seven hundred and eighty five. And this defendant further answering saith, that his only motive in joining in the administration was to protect the estate from waste and ruin, himself under the most embarrassing circumstances, incredibly poor after a long and necessary absence from his country, plundered of almost everything he possessed and not a farthing of money belonging to the estate on hand or any present means of making any, all the movable effects belonging to the estate having been sold together with twenty-two of the best negroes by the late administrators Sir Patrick and George Houstoun under the usurpation—nothing to pur-

chase tools, clothes, provisions, or any other necessary for settling the Negroes without selling some of them, neither could credit be obtained, even if the means of settling them had been in the power of this defendant, the whole Country around was harassed by a banditti accustomed to plunder and rob, insomuch that there really was no safety for any movable property twenty miles distant from Savannah, and in addition to all this an Indian War shortly after broke out which nearly depopulated the whole Country south of Chatham County, under all those circumstances which this defendant believes would have terrified almost any other person than this defendant and the other from undertaking so arduous a task, they notwithstanding determined, old and inactive as they were, to persevere although no other means in their power were left than to hire out the Negroes to the highest bidder from year to year, which was also attended with many inconveniences and much trouble and risk, as the state about that period abounded with paper emissions of various kinds which served as a medium for cash in dealings amongst the Citizens, these circumstances coupled with the tediousness of legal proceedings induced people to give exorbitant prices for every article offered for sale notwithstanding which this and his co-defendant under all these embarrassments had no alternative left but to make the trial, not supposing the Claimant whom they had so essentially served would endeavor to take advantage of any little inadvertencies or irregularities which they might have fallen into under such circumstances, and in such times. And this defendant further answering saith that some time after he qualified as an Administrator John Houstoun Esquire an uncle of the Complainant instituted an Action against this defendant and the said William his brother as Administrators of the Intestate in the name of Miss Ann Stewart and recovered an account of three hundred and twenty two pounds seventeen shillings and three pence with interest thereon, and that the present Sir George Houstoun, another uncle to the Complainant, after engaging Samuel Stirk, William Stephens, and John Houstoun Esquires had three writs served on these defendants on the same day as administrators of the said estate

for about two thousand pounds sterling with interest charged on that sum to the day of bringing the Actions, which nearly doubled the original debt and at that time in this defendant's opinion would have swallowed up the whole estate if sold for cash, at length after much expence which this defendant at that time could but illy afford and frequent attendance on Court the fate of these Actions was by order of Court left to arbitration and instead of allowing the said Sir George the sums of money he demanded it was awarded that he should pay the defendants seventy eight pounds eight shillings and nine pence and return a young Negro fellow the said Sir George detained and since sold for one hundred pounds, as this defendant believes and also pay them three hundred and seventeen pounds three shillings and five pence with interest from the first day of January one thousand seven hundred and eighty one as surviving administrator of the said George McIntosh under the British usurpation, and that the said Sir George should also use the utmost of his endeavors to recover ninety two pounds sterling due by his brother-in-law George Kincade for negro hire during the said British administration of the estate which this defendant believes to be still due as by the award will appear. And this defendant further answering admits it to be true that he together with his co-defendant did on the twenty third day of December one thousand seven hundred and eighty four, at Great Ogeechee where the negroes of the said Intestate's estate then were in possession of William McIntosh the younger, son of this defendant, to whom they had been hired for that year by Sir Patrick and George Houstoun, set up and exposed to sale in pursuance of public notice given all the taskable hands of the Intestate consisting of twenty eight in number, from the first of January one thousand seven hundred and eighty-five till the first of January one thousand seven hundred and eighty six, as by the said notice will appear, when to this defendant's surprise they were knocked off at the enormous rate of twenty pounds for each taskable hand to this defendant's son William, which he this defendant much disapproved of as the said William was a near relation of the Complainant and had given so extravagant a price for the negroes

that he could never expect to pay their hire by their labor, but the said William persisted in his purchase; and this defendant further answering admits that the same negroes that were hired to the said William for the year one thousand seven hundred and eighty five after being duly advertised in the *Gazette* of the twenty third day of December of that year to be disposed of for the year one thousand seven hundred and eighty six at Savannah, the conditions of which were that the purchaser should give bond and warranty of Attorney to confess judgment thereon within twelve months for the hire of the Negroes that year, as by a copy of the advertisement will appear which this defendant thought might probably prevent his said son William from getting them a second year were knocked off at the enormous price of nineteen pounds twelve shilling and six pence for each taskable hand to Richard Leake, who immediately signed the conditions of sale in the name and on behalf of the said William McIntosh who was not present at the sale, this circumstance so much displeased this defendant that he hardly spoke to the said William his son for several years. The auctioneer after the sale according to the conditions thereof had the negroes appraised made out the Bond and warrant of attorney and presented them to the said William but could not prevail on him to execute them, who still had the negroes in possession; thus the Auctioneer was put off from day to day as this defendant was informed and believes, by the purchaser until that year was too far spent to advertise and sell them over again; and this defendant further answering saith that he repeatedly pressed the said William his son for a fulfilment of his agreement for the year one thousand seven hundred and eighty five which he never fully completed as well as for the payment of his bond for the hire of the Negroes for the year one thousand seven hundred and eighty four, and that he the said William frequently promised to discharge the greatest part if not the whole of the hire for the year one thousand seven hundred and eighty four and one thousand seven hundred and eighty five, when his crop should be beaten out, which he said was delayed in order to get his

land in order provided he was not sued for the same, otherwise he would keep the estate out of the money three four or five years if possible.

This defendant thus awkwardly and delicately situated by the imprudence and obstinacy of his said son William was determined to act against him with more decision than against any other person in a like situation, and accordingly having received no rice or other payment agreeably to promise from his son William he put the bond for the year one thousand seven hundred and eighty four and agreement for the year one thousand seven hundred and eighty five into the hands of James Jackson, Esquire, Attorney at Law, on the twenty sixth day of August one thousand seven hundred and eighty six to be immediately sued, Mr. Jackson was then the defendant's only counsel in all the transactions of the estate and advised this defendant to defer bringing the suits against the said William till the circulation of the paper medium ceased, as there were persons watching this defendant's conduct who would not hesitate saying that he sued his son William in order to favor him and to afford a pretence of paying the debt in paper money which was much depreciated and continued to be a legal tender till the guardians of the Complainant received the whole of the property of the Intestate and the sole direction of it out of the hands of this and the other defendant. This defendant further answering saith that in order to avoid the evils and inconveniences of the years one thousand seven hundred and eighty five and one thousand seven hundred and eighty six and finding that nothing could be made out of the negroes by hiring them, he with the other defendants to the Bill ventured for the year one thousand seven hundred and eighty seven to place them on the plantation of the Intestate situate on the Sapelo river, although the Indians were still troublesome but without tools, seed rice, necessaries of any kind or money of their own or of the estate's in this unavoidable dilemma they were obliged to send two of the negroes to Savannah to be sold, but as no more than twenty five pounds was offered for each they were brought back again and a wench called Polly who was the wife of a fellow

belonging to Lachlan McIntosh the younger was purchased by him for fifty six pounds to be paid in corn, rough rice and seed potatoes which necessity obliged the defendants to accept without having time to advertise her according to law, whereby the rest of the Negroes were relieved, otherwise they must have been sent adrift for a subsistence and all prospects of a crop given up, the necessary delay occasioned by these circumstances with the bad order of the land laying waste for many years, without the necessary buildings and other accommodations required on a rice plantation reduced this year's crop to eighty barrels of rice with necessary provisions. And this defendant further answering admits that in the beginning of the year one thousand seven hundred and eighty eight there was a fine prospect of a crop but that early in that year the Indians began to kill and plunder slaves and other property all around the neighborhood of the plantation, which necessarily obliged the defendants to be at the expence of keeping a guard of white men constantly over the negroes rather than lose so promising a crop, and for the further security of the slaves which was still a greater object with the defendants than the crop itself they purchased a large Pettiagua boat to carry off all the negroes at once to the Island in case of any dangerous alarm which so frequently happened, that the crop this year netted only forty eight barrels which barely paid the heavy expence attending the culture of it. And this Defendant further answering saith that the year one thousand seven hundred and eighty nine was attended with nearly the same expence and trouble with the Indians, yet the crop netted ninety eight barrels of rice and plenty of provisions, seed rice and seed potatoes, as by the account hereto annexed and exhibited to the honorable Court will very clearly and regularly appear, all of which were in the beginning of the year one thousand seven hundred and ninety delivered to the Complainant's Guardians together with all the slaves mentioned in the inventory, except a Wench Polly sold for provisions as before is mentioned and a fellow called Billy who after being advertised according to Law was sold to Patrick Crookshanks for fifty seven pounds, who gave his note payable in ____ days

from the date thereof, which was put in Suit and Judgment obtained thereon which this defendant says is now of force; the reason for selling this Negro were because he was an idle fellow and a runaway and has since as this defendant has been informed and believes shot in the woods. And this defendant further answering saith that the debts due and demands in favor of and against the estate of the Intestate as far as they have come within his knowledge will appear by the accounts hereto annexed and exhibited to this honorable Court and which he prays, together with the other accounts attached to them, may be considered as part of his answer to the Complainant's Bill. And this defendant denies all and all manner of combination and confederacy wherewith he stands charged in and by the said Bill of Complaint. Without that, that there is any other matter or thing material or necessary for this defendant to make answer unto, and not herein and hereby well and sufficiently answered unto, confessed or avoided, traversed or denied, is true. All which matters and things this defendant is ready to aver and prove, as this Honorable Court shall direct and award, and hereby prays to be hence dismissed with his reasonable cost and charges in this behalf most wrongfully sustained——.

Matt. McAllister, Solicitor
for Def't L. McI.
10th Sept. 1793—

Lachn. McIntosh.

Sworn to this 11th Sept.
1793, before J. Houstoun.

Queries and Answers

Inquirer.—Is there anywhere to be found an account of the successful use of the cotton gin, invented by Elias Whitney, immediately after its invention?

At this time we cannot throw further light on this subject than the information contained in the following advertisement, published in the *Georgia Gazette* of Thursday, March 6, 1794. Phineas Miller, the advertiser, married the widow of General Greene.

COTTON GINNING.

The subscriber will engage to gin, in a manner equal to picking by hand, any quantity of the green seed cotton, on the following terms, viz., for every five pounds delivered him in the seed he will return one pound of clean cotton fitted for market.

For the encouragement of cotton planters he will also mention that ginning machines to clean the green seed cotton on the above terms will actually be erected in different parts of the country before the harvest of the ensuing crop.

PHINEAS MILLER.

Mulberry Grove, near Savannah, March 1, 1794.

Editor's Notes

The Georgia Historical Society is nearing the completion of its first century. Founded in 1839, it is now well in its eighty-first year. Some facts in its past history may well be told here at this time.

The first person to suggest its founding was Israel Keech Tefft, who was its first Corresponding Secretary, an office held by him for twenty-three years, from June 4th, 1839, to June 30th, 1862, when he died. He was officially out of office for a short period of two months (Dec. 12, 1853, to Feb. 13, 1854), when he had arranged to go abroad for a long stay, but his plans failed, and at the next annual meeting, after resigning his office, he was re-elected. During that short time the office was filled by his friend, Mr. A. A. Smets, another original member.

The long friendship between Messrs. Smets and Tefft was broken by the death of both, a very short time apart, the former dying May 9th, 1862, and the latter one month and twenty-one days later, June 30, as stated above.

Mr. Smets was Treasurer of the Society from February 12, 1855, to the time of his death, seven years and nearly three months.

Mr. Smets lived and died on the northeast corner of Bull and Jones Streets, in Savannah, while Mr. Tefft lived and died on the Southwest corner of these streets.

There is at this time only one member of the Society living who has been connected with it continuously from the year 1866; while there are only fourteen persons now living who joined before 1867, but resigned their membership. One of these, after an absence of many years, returned, and is again a member.

A fact well worthy of record is that the Society did not cease its activities during the War of Secession, but held its meetings regularly.

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The Georgia Historical Quarterly

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A Sketch of the Life of James Habersham

President of His Majesty's Council In the Province of Georgia

By WILLIAM BACON STEVENS

William Bacon Stevens, the writer of the following paper, was born in the State of Maine, moved to Savannah, Georgia in 1837, and in 1839 he and his associates, Israel Keech Tefft and Dr. Richard Dennis Arnold, founded the Georgia Historical Society, and he was elected its first Recording Secretary and Historiographer. It was his intention to write a history of Georgia, and all the material possessed by the Society was placed at his disposal for that purpose. The work was completed during his residence in Georgia, and published in two volumes. Dr. Stevens left this State in 1848, went to Philadelphia, and became a Bishop in the Protestant Episcopal Church. He died June 11, 1887, and some years afterwards many papers, collected by him in the preparation of his history, and done up in a large bundle addressed to the Georgia Historical Society, were sent to the Library. Among the papers was found the following, in his writing, unfinished, and probably begun by him with the intention of making it a part of a voluminous life of Mr. Habersham. On the other hand, the sketch may have been completed and the missing sheets afterwards lost; and it is not at all improbable that the paper was read at some meeting of the Georgia Historical Society. We give it as it came to us, adding to it, briefly, some further facts in the life of that good man, James Habersham, bringing it down to the time of his death.—EDITOR.

James Habersham was born at Beverly,, in Yorkshire, England, at the close of the year 1712. His parentage was respectable, and his early education rather superior to that usually given to sons in moderate circumstances in provincial towns. He made some progress in Latin Classics; and his naturally strong mind would have enabled him to rise to an eminent station as a scholar, had he not early turned his attention to mercantile affairs under the direction of his uncle, John Habersham, a merchant of considerable eminence in London.

With this gentleman he remained several years, and his prospects were daily ripening into a desirable maturity when his views of life suddenly changed and new plans usurped the place of his long cherished designs. In 1736 Rev. George Whitefield went to London and though his youthful appearance as he preached the first time in Bishopgate church caused many to mock, his earnest eloquence and ardent zeal soon brought him into conspicuous view and those who were at one time disposed to revile the almost juvenile herald of the Cross were soon brought to feel the truth of what he uttered and conform to his religious teachings.

Mr. Habersham was early brought under his influence, and the following year on the announcement of Whitefield's intention of going to Georgia determined to go with him and cast his lot among the same people where his spiritual friend had determined to labour. His uncle and other friends opposed his views, but his resolution was fixed, and in the latter part of December, 1737, he and his brother embarked on board the transport ship Whitaker, Captain Whiting, with Whitefield who styles Habersham "his dear fellow traveller." It was nearly a month, however, before the ship got fairly at sea as they were detained by head winds at Margate and Deal, and January had nearly passed before a favouring breeze called the two friends on board and forever separated Habersham from his relatives in England. The vessel was bound to Gibraltar to take in soldiers for Oglethorpe's regiment, and stretching down the Bay of Biscay they arrived at Gibraltar in about three weeks and there refreshed themselves preparatory to their longer voyage across the Atlantic. Having filled up the complement of men under Col. Pat Cochran and Capt. Mackay, they directed their course toward the setting sun, and day by day for weary weeks and months they saw him sink behind the horizon to which they steered without the wished for haven presenting itself to their longing vision. Soon after leaving Gibraltar a sickness broke out among the crew and passengers, and though only two or three died nearly all were prostrated by its violence and felt the severity of its attack. Fearful storms also were

superadded to the invasion of disease, and the wind and waves in terrible majesty threatened their vessel with destruction and themselves with death, but from all these dangers they were preserved, the disease was arrested, the tempests were hushed and the green land for which their eyes had longed and their hearts desired greeted their delighted vision. It was on Friday, 5th day of May, 1738, that the ship arrived at Tybee, and on the evening of Sunday the 7th, Messrs. Habersham and Whitefield reached Savannah where they were warmly welcomed by Mr. Delamotte, one of the companions of the Wesleys, and who had occasionally officiated in the services of the church. Mr. Habersham did nót embark for Georgia as an adventurer, to repair a broken fortune, or retrieve a sullied name, for in becoming the companion of Whitefield he sacrificed the considerations of wealth and the comforts of an abundant home. Writing in January, 1738-39, to his brother-in-law, Christopher Bagwith, Esq., of Whitby, Yorkshire, he says "you may perhaps blame me for this adventure and wonder at my folly in leaving England where I was so well and genteelly provided for. I will not pretend to give you any reasons to justify my conduct in this great change because I believe as they did not proceed from any outward cause but were entirely and only known to God and my own soul, will not, nay cannot, give you that satisfaction and appear in that light they did to me, especially as the advantages I proposed to myself were not of this world, for I was told when I left England that if I went to Georgia I must renounce all and trust only in God and follow Christ through many tribulations and trials; though I thank God I have found it otherwise, I have enough and to spare of this world's goods and as the Apostle says, 'having food and raiment, I am content and rejoice with exceeding joy that I left my native country'." And the same sentiments are expressed in a letter to his uncle, written a month later.

A warm convert to the views of Mr. Whitefield, and ardently longing to give to his zeal a suitable and efficient direction, he had cast the world with its emoluments of wealth and honor behind him, and was ready to devote himself to every duty

which he thought would glorify his divine Master and do good to man. Whatever may be thought of the religious views of Habersham we must concede to him a pure and elevated philanthropy and admire his noble purpose of dedicating himself to the moral and intellectual condition of the colony.

That no time might be lost in carrying into immediate effect the scheme originally devised by Oglethorpe and Charles Wesley of erecting an Orphan House on the plan adopted by the venerable Prof. Francke, at Halle, it was determined by Habersham and Whitefield that the former should at once open a school, gather children eligible to such an institution and get them into a regular course of tuition and discipline, while the latter proceeded on a tour for the collection of funds wherewith to effectuate his plan. With characteristic ardour Mr. Habersham immediately gathered around him a little band of "precious lambs," as he affectionately termed them, and in this truly honorable employment the teaching of the young, and officiating in the absence of Whitefield in the public services of the church, he passed the few first years of his sojourn in Georgia. How he regarded his efforts will be evident from his own word: "When I was in England," he says, writing to a friend in London under date 14th January, 1739, "my proud heart abhorred the idea of keeping a school, and I have sometimes tho't that I would rather choose to take up with the most mean and servile employment than a schoolmaster's. Alas! this proceeded from rank pride and the want of a sound judgment to discern what was really good. I looked upon schoolmasters as a set of men that made gain the sole end of teaching and that made education to consist only in outward accomplishments to enable men to go through their worldly business with greater facility and ease. This was the highest and best notion I had entertained of them, but I am now thoroughly convinced that I very much undervalued them, for they certainly are or may be capable of doing more towards the advancement of religion and consequently the public good, than any men I knew of except the clergy." That this is the true view of such an avocation let the efforts which have been recently made, a century after

this paragraph was written, by lyceums, by teachers' conventions, and by normal schools testify. Teachers, even more than clergymen, are stationed at the head spring of society, and according to the directions which they give to the youthful mind and the influences which they bring to bear upon its formation will be the destiny of manhood and age of domestic, social, civil and religious character. The sentiments of Mr. Habersham upon the subject of education were exceedingly wise and judicious, and prove him to have been a man of vigorous intellect, of sound judgment, and of a discerning mind. "Education," he writes, "is indeed come to a very low ebb and in many places the very intention of it is so perverted that instead of its becoming one of the greatest blessings, as God designed it, it is made to have the effect of a curse, because the whole of education is laid out upon forming the outward man, making it appear to have all virtues, while the mind lies starving and has the reality of one virtue. Thus, children are taught to be hypocrites as soon as they can speak, and this grows up with them and fastens rich images of false virtue so strongly upon their minds that they will at least impose upon themselves and think that humility which may be rank pride, and that honesty, which may be down right knavery." At the time of the arrival of Habersham, and for a few years subsequent, the situation of the colony was peculiarly distressing. Not only were the inhabitants at war with the Spaniards at Florida and constantly alarmed by rumours of invasions and defeat, not only were they menaced with Indian eruptions instigated by the French at Appalachee and Mobile, but the strife and discord of party spirit were eating out the very vitals of the settlement, and fast reducing it to a state of atrophy and ruin arranged under two great heads, the friends and the foes of the Trustees, the people carried on their intestine feud with an acrimony and bitterness which respected neither rank nor character. The magistrates were arrayed against each other, the sanctity of the church was prostituted to a miserable partisanship, men, women and children were suborned to certify either to the benefit or the calamities of the colony. The violent denuncia-

tions against Oglethorpe were reiterated in his own ears, the plans of the Trustees were assailed by a hundred tongues, the powers of the magistrates set at nought and misrule bordering on anarchy paralyzed the efforts of friend and added pungency to the vituperations of enemies. Amidst these distressing turmoils Mr. Habersham quietly pursued his duties, prudently avoiding the disputations around him and never suffering himself to be entangled by the toils which both parties had spread to ensnare him. In this he exhibited both his wisdom and his strength, not that he was influenced by the fear of either, but that he rose superior to both. The condition of the colony engaged his most anxious thoughts, and while he conceded to the Trustees the most laudable motives, he saw the futility of their schemes and endeavored to remedy evils by judiciously pointing out their existence.

His letters upon the subject of colonial disputes were well and forcibly written, and evince great clearness of conception, and understanding of the principles of government and an intimate acquaintance with the actual condition of the province. Nerved by the approbation of a good conscience he wrote with a freedom and boldness which, while it startled, commanded respect, and while it probed the wound showed that it was done by one who could prescribe the balm of healing. His independent course drew upon him the disapprobation of both parties and the schoolmaster, as he is tauntingly called by Stevens, was often the theme of invective and reproach. Amidst all this he quietly pursued his course with unwavering diligence and lived down the calumnies of his enemies by his consistent and upright life. Having procured from the Trustees a grant for eight hundred acres of land which Habersham describes as situated upon the salts in the midst of the settlement, about nine miles from town, "the best place I have seen for the Orphan House," he proceeded at once to collect material and erect a dwelling.

It was the original intention of Whitefield before he left England to take in only 20 orphan children, but finding on his

arrival in Savannah so many objects of charity he enlarged his design so as to comprehend all the necessitous children around him.

Such was the energy used by Habersham, notwithstanding all the disadvantages of the colony and the place, that on the 3rd November, 1741, in about a year after the selection of his site, he was enabled to remove the children to the house which he named Bethesda, believing that it would prove what its name indicated, a House of Mercy. At this time in addition to the care of 20 or 30 children he superintended an equal number of workmen in the erection of the building, occupying as yet the outhouses only, the main dwelling having been retarded in consequence of the capture by the Spaniards of a sloop loaded with bricks and other material for Bethesda.

He also at this time planned and directed the making of the first road cut in the colony extending from the Orphan House to Savannah,* and in addition to all these labours maintained a voluminous correspondence with a great variety of individuals in America and England, and of every grade from His Majesty's Governors and the Bishops' commissary to the Religious Society of Soldiers at Gibraltar and the prisoner in the loghouse. These labours proved too onerous for his frame already wasted by a distressing disease and he was several times laid aside by its violent recurrences. For years he was the victim of frequent and intense physical suffering which the heat of summer was sure to increase, though the return of winter brought a temporary alleviation and repose. Indeed he was several times tempted to return to England or emigrate to the north as the only hope of obtaining permanent benefit, but having laboured thus long he was anxious to remain and gather in the ripening harvest which he saw growing up around him, the first fruit of his self-sacrificing devotion. These frequent indispositions were not without their salutary effect, for while he felt with Archbishop Leighton that "this poor life is all along nothing but a linked chain of many sorrows and many

*This is a mistake. The roads to Darien and Augusta were both laid out before this, and it is probable that other short roads, running to various plantations, were in actual use before the founding of Bethesda.

deaths," he also experienced the truth of the forcible simile of Watts that "Physical infirmities, like breaks in a wall, let in the light of divine truth into the imprisoned soul and make it long for its release." Such was emphatically its effect upon himself. His piety based on the theological views of Whitefield's was like Whitefield subject to extreme mutations oftener in a transition than a quiescent state. But whether contending with Giant Despair in Doubting Castle or standing with the Shepherds on the Delectable Mountains, he was the same scrupulous, conscientious and upright man. With him religion occupied no secondary place and though his christian rectitude so diverse from the devious course of those around him exposed him to much malice and opposition, he firmly and unmoved endured every reproach and compelled respect where violence had been threatened. Bethesda speedily prospered under the wise administration of Habersham. The number of children increased, the artisans employed were faithful in their work, the buildings reared by the hand of Charity in a colony of charity daily grew into shape and beauty, the spirit of the institution was gradually developing and its benefits were becoming sensibly apparent. Having satisfactorily arranged the affairs of the Orphan House he turned his thoughts to the formation of his own domestic establishment and at the close of 1740 was united by Rev. Mr. Whitefield to Miss Mary Bolton, daughter of Robert and Ann Bolton, of Philadelphia. He was by Mr. Whitefield esteemed too young for the charge he must necessarily assume, but Mr. Habersham said "that was no objection with me as I well knew her pious prudent behavior exceeded those of twice her years," and in his communication to her parents announcing their marriage, he fervently writes: "I bless God from my heart for bringing us together. My love to her increases daily and the more I know her the more I love her and the more reason I have to be thankful." The influence of this union was highly beneficial, it broke up those austere habits which were gradually fastening upon him; it gave more symmetry and proportion to his religious character and gathered

around a heart wounded and sore from the rude conflicts of opposition the kindly influences of home and the chastened pleasure of the domestic circle.

In Mrs. Habersham was beautifully patterned forth the christian wife and mother. Her whole life was a blessing to her husband, and her character a bright example to her children. Often did Habersham speak of her with enthusiastic admiration and throughout the long and troublous years of their existence she made his home a Goshen of affection, and was herself the attractive centre of its happy circle.

But the quiet of Bethesda was not long undisturbed. In the malicious persecution to which the religious opinions of Habersham rendered him obnoxious, the magistrartes, though they dared not make a direct assault upon his character, endeavored to harass him and entoil him in some indiscretion which would expose him to legal measures by threatening to place the Orphan House under their supervision, and taking in their own hands its entire control. To effect their object, false representations were widely circulated. The Trustees were told that the manager of Bethesda was opposed to their scheme of silk culture, which greatly incensed that honorable body, and Parliament was assured that it was but a Methodist school for the training up of children "on Methodist principles." The magistrates claimed the right to appoint and to remove from the institution at pleasure, to direct its internal policy and to apprentice the children at a suitable age to those whom they should choose to be the masters of them. This Mr. Habersham resisted; the dispute engendered much acrimony and fully developed the malign views of the Bailiffs who determined to thwart if they could not crush an institution, the influence of which was an ever torturing rebuke to their unjust proceedings. Oglethorpe, the Trustees, and Parliament, misguided in their information, leaned for a time toward the measures of the magistrates, but after a careful survey of the whole subject they recovered a proper tone of feeling, censured the assistant and indicated and confirmed the course of Habersham. The prejudice of Oglethorpe, now dissipated, were supplanted by a

pleasing personal and epistolary intercourse in which Habersham beautifully blended the courtesies of the gentleman with the candor of the christian, and while he conceded to him that respect which was justly his due he scorned to flatter his pride or lend himself to a servile and fawning sycophancy. The distinguished founder of Georgia received from the pen of Habersham many lessons which, had he duly practiced, would have elevated the colony from its depression and made it the joy and the praise of its numerous benefactors.

Under date of Bethesda, 1st August, '41, he thus writes to Oglethorpe and saw the justice and felt the value of his calm but judicious remonstrance. He understood the temper and spirit in which they were written and saw in them neither the promptings of jealousy nor the petty bickerings of revengful malice. The truly great mind rises above the angry paroxysms which assail the weak more fully at the expense of his error and instead of expending his feelings in useless irritation sets himself at once to the work of reformation.

To err is human, but to profit by "the faithful wound of a friend" is one of the highest ends of human wisdom. Habersham saw that many of the plans of Oglethorpe were futile, that others were of a doubtful tendency and some absolutely ruinous, with a knowledge of Oglethorpe's character then remarkably clear and accurate and with a high estimation of his worth. Habersham felt that he more nobly did his duty by a plain statement of truths, however unpalatable, than by artfully deceiving where deception was ruin.

In December, '41, the house contained 23 English, 10 Scotch, 4 Dutch, 5 French, 7 American, 27 English orphans, 16 boys and and 26 girls. All objects of charity except 3. The general condition of the establishment may be inferred from extracts of Habersham's Letters to Gov. Belcher of Mass., and Hugh Bryan of South Carolina.

The threatened invasion of the Spaniards in 1742 created much excitement and alarm at the Orphan House. Situated on the frontier of the Savannah settlement at a distance from any fort, with no means of self defense, it was peculiarly ex-

posed, and its inhabitants underwent many and painful trials on the occasion. In a letter to Whitefield Habersham details their situation.

After his return to Bethesda he renews his correspondence with Oglethorpe. A change was now to take place in the situation of Mr. Habersham by which his more immediate connection with the Orphan House ceased, though his interest in it remained firm and undeviating. To this change he had long been urged, but repeatedly declined until the necessities of the place seemed so great that he was at last induced to form a partnership with Mr. Francis Harris and established in 1744, under the firm of H. & H., the first commercial house in Savannah.* For the first few years their trade was mostly with the Northern colonies where their credit was good and their mercantile reputation high. Success prompted more extensive operations, and in 1747 they established a correspondence in London and began the system of direct importation. The principal exports at that time were pitch, tar, rice and peltry, and they hoped by furnishing an early and accessible medium of conveyance to encourage the growth of indigo, and, by adding that to the list of staple products, turn towards America a large portion of the 200,000 pounds which England annually paid France for that article.

The difficulties consequent on the establishment of such an enterprise were neither few nor trivial. From the produce of the colony but little could be expected.

Agriculture was greatly neglected. Negroes were not allowed for the carrying on of large plantations and that which was raised was not even sufficient for their own consumption, being entirely supplied with several necessary articles of food from Carolina. The Indian trade was unsettled and fluctuating, owing to the fact that the furs brought to Savannah had to be shipped to Charleston at an expense of 7-6 stg. per hundred

*Notwithstanding this statement, which has been often repeated, the Georgia Colonial Records show that the mercantile establishment of Minis & Salomons existed in Savannah as far back as December 29, 1736, and that the firm name was changed to Abraham Minis & Company in 1740.

where they were subject to a custom house duty of 1 shilling per skin, making a total of expense of nearly 30 shillings per hundred.

The object, then, of Habersham was:

1st. By opening commercial intercourse with other places, to excite greater attention to agriculture, so that the staple products of the colony might be raised in sufficient quantities for exportation.

2nd. To draw towards Savannah the trade and produce of the lower part of Carolina contiguous to Georgia.

3rd. To prevent the onerous charges incident to the Indian trade by clearing hides and furs directly from Savannah; and lastly by inducing ships to visit the place, to call around them the various artizans requisite for a sea port and drawing from the necessary expenses of the vessels a large revenue for the improvement of the colony.

The views of Mr. Habersham upon these topics are elaborately given in a letter to Mr. Bolzius.

While thus joyful in the exercise of his vocation with a soul growing in grace and enlarging under the rich experience of heavenly goodness he was called to suffer a severe affliction in the loss of his brother, who had settled at Frederica.

To this brother a few months before occurred one of those incidents which transpire in nearly every newly settled colony and which excite the sympathy and unite the efforts of friend and foes in the great cause of humanity. On Thursday the 3rd of August, 1738, he accompanied Rev. Mr. Whitefield on his way to Frederica as far as Vernon river, and returning thence he missed his way, and finding some difficulty with one of his horses, left one tied to a tree near a swamp and reached home after much labor next morning, though the distance to Vernon river was only 10 miles. The continuation of the story I give in the words of Col. Stephens as recorded at the time in his journal, Vol. 1, page 258.

"Wednesday, August 9, 1738. A trading boat, bound for Charles-Town, from New Windsor, arrived, by whom came one of our principal licensed traders who reported that the Creek

Indians among whom he lived were in a very good disposition and hearty towards us. An accident happened which it was feared might prove of fatal consequence. Upon Mr. Whitefield's going for Frederica, he rode as far as Vernon river, taking Mr. Habersham, the schoolmaster's brother, with him, with intent that he should bring the horses back, while he himself proceeded by water, but the young man, missing his way home, and getting into a swamp through which he could not get his horse that he had to follow, he left him tied to a tree, and with difficulty got home in the morning, after much wandering and fatigue. A day or two after he took two people of the town out with him to try if he could get the horse which he left tied; but whereabout it was he could not tell, which occasioned them to ramble far and wide from each other, till at length they could not tell how to meet again; and the townsmen at length returned home again, hoping to find Mr. Habersham there also. But nobody hearing anything of him yet, since he and his companions parted yesterday in the forenoon, his friends, with reason, began to be alarmed, and all good people wished to give what assistance they could. Night was coming on, and Mr. Causton being not in town Mr. Parker and I thought it advisable in such an emergency to get some damaged powder out of the stores, and ordered a gun to be fired now and then at a small distance of time (once in an hour or less) so that if happily he was within hearing it might be a guide to him what course to take. Then we sent to get two or three Indians ready against morning, and several active men with horses engaged to be ready very early, by whose joint endeavors we hoped some good would come of it; which was all could be done instantly, the sky being very dark.

"Thursday, 10. The horsemen went out several ways towards those parts where the man had lost himself, and continued their search all day, firing pistols, and calling frequently on each other; but returned in the evening without success, and the Indians who went out with them continued abroad all night, endeavoring to find some track of him; but our hopes began to fail of making any good discovery———.

"Friday, 11. ——— The young man who was about given over as lost was at last happily found again, wherein Providence seemed in a particular manner to show itself. One of the inhabitants of Hampstead, who, among others, had been seeking him two days in vain had so strong an impression made on him in the night that he could not rest; wherefore, going out again this morning, in a short time, upon firing his pistol, he heard the poor man make a faint answer, and then he soon came up with him. He had been three days bewildered in a swamp which was on this side of Vernon river, the largest in all the country, and in many places impassable, but was now got within a small distance of Hampstead, which was more than he knew, and being quite spent he was laid down, expecting never to have risen again, when he heard this honest man's gun, who carried him to his home, gave him milk and what he had, and then came and acquainted his friends with it, who went and brought him joyfully to town."

The death of this young man afterwards who was a sincere christian "all affability, love and humility," as his brother terms him, was a severe blow to Mr. Habersham who was now left in America without one single tie of consanguinity to bind him to its shores. But while he mourned his loss he rejoiced in his brother's gain, believing from the evidence of his life that he had exchanged earth for the blessedness of Heaven.

Here ends the Stevens manuscript. The subsequent career of Mr. James Habersham will now be briefly related, in order to have all the important events in his life brought together in an unbroken account.

A fact worthy of mention as showing the honorable character of Mr. Habersham is told in connection with his qualifications as a man of business. In response to an appeal from the Rev. Mr. Bolzius, the Salzburger minister at Ebenezer, for information on the subject of agriculture and commerce, Mr. Habersham consented to write a letter expressing his views, with the understanding that, as in doing so he would have something to say concerning a number of men of influence in Georgia and advert to the plans of the Trustees, without having the

consent of those interested, the contents of the communication be considered confidential. Urged to modify his conditions he agreed to let Mr. Bolzius furnish a copy of the letter to a friend in Germany, and that friend sent a copy to the Trustees, which act, of course, caused Mr. Habersham to believe that displeasure, at least, would be expressed by that body; but, to his surprise, his knowledge was recognized, and his ability so clearly shown that his appointment as Assistant to the President of the Province of Georgia quickly came.

Shortly after, in 1750, he and Pickering Robinson were made commissioners to look after the matter of the culture of silk in the colony, in a renewed effort to make it, as at first intended, one of the chief industries.

The next step in his promotion was his appointment, while John Reynolds was Governor, in 1754, as Secretary of the Province and a Councillor; and in 1767 he was advanced to the office of President of the Upper House of the General Assembly.

The highest position reached by Mr. Habersham was that of Acting Governor of the Province of Georgia which he attained in 1769, when Sir James Wright, the Governor, went to England on leave of absence. By the term of the commission issued to Governor Wright it was declared that "upon the death, or absence, of the Governor, the eldest Councillor whose name is first placed in his Majesty's instructions shall take upon him the administration of the Government," and Wright named Habersham as the man, asserting that he was "a gentleman of property, and no Liberty Boy." He received the appointment, and his conduct during the time he was at the head of the government gave satisfaction to those above him in the mother country. Realizing the responsibility resting upon him, he thus addressed the Assembly on the 29th of April: "I am very sensible of the high and important post committed to me, which calls for the utmost of my best abilities to discharge, so as to approve myself to our most gracious Sovereign, by promoting the true interest and prosperiay of his good subjects in this Province, to effect which you may depend on my most sincere and unwearied endeavors. My long residence in this Province, and

the strong attachment I must have for its welfare from motives obvious to you must make it extremely grateful to me to be in the least instrumental in furthering its growing prosperity."

As showing his regard for certain rights of the colonies, while holding a deep feeling of loyalty for the mother country, the following passage is taken from a letter he wrote to the Earl of Hillsborough on American affairs. He admits the right of Parliament in some respects, but seems to doubt the propriety of asserting those rights to the fullest extent, and asks "whether it would not be expedient to make some alteration in the Constitution relative to America."

From this period he had the same troubles which later on devolved on Sir James Wright when the latter returned to Georgia from England. It is not possible here to give in detail the account of his disagreement with the American party in the Legislature on the question of the election of a Speaker and the right of the representatives of the King to negative the vote of the Assembly. When the Assembly met their choice of a Speaker was Dr. Noble Wymberley Jones, a man who was outspoken in his opinion of the unjust dealings of England with the colonies. For that reason Mr. Habersham informed the two gentlemen of the Assembly sent to notify him of their choice that he would not recognize the appointee, and instructed them to choose another. Dr. Jones was again elected, and again Mr. Habersham negatived him. The next day Mr. Habersham went to the Council Chamber, fully intending to dissolve the Assembly, unless his demand for a different Speaker should be complied with; but he was informed that, in the meanwhile, Mr. Archibald Bulloch had been elected, the message, however, not apprising him of the fact that Dr. Jones had been a third time chosen but had, under the circumstances, declined. Having approved of the choice of Bulloch without knowing the full particulars, on hearing of the persistent action of the Assembly up to the refusal of Dr. Jones, Habersham informed that body that he would not approve of Mr. Bulloch's

election until the record of the third choice of Jones had been expunged from the minutes, and the result was that he dissolved the Assembly.

In the year 1775, when South Carolina resolved to hold no intercourse with Georgia because the latter declined to become a member of the American Association and to take part in the proceedings of the Continental Congress, Mr. Habersham thus expressed his views to a friend in London:

"Savannah, Ga., April 17, 1775.

"The fiery patriots in Charleston have stopped all dealings with us, and will not suffer any goods to be landed there from Great Britain, and I suppose the Northern Provinces will follow the example.

"The people on this continent are generally almost in a state of madness and desperation; and should not conciliatory measures take place on your side, I know not what may be the consequence. I fear an open rebellion against the Parent State, and consequently among ourselves.

"Some of the inflammatory resolutions and measures taken and published in the Northern colonies, I think, too plainly portend this.

"However, I do most sincerely upon every occasion declare that I would not choose to live here longer than we are in a state of proper subordination to, and under Great Britain; although I cannot altogether approve of the step she has lately taken, and do most cordially wish that a permanent line of government was drawn and pursued by the mother country and her children, and may God give your Senators wisdom to do it, and heal the breach, otherwise I cannot think of the event but with horror and grief—father against son, and son against father, and the nearest relatives and friends combating with each other! I may, perhaps, say with truth, cutting each other's throats. Dreadful to think of, much more to experience."

At the time the foregoing was written it is probable that the writer of those words was aware of the weakness of his physical system. It would seem, from all the references to his

health in the documents available, that he was not a robust or strongly built man. He went North for the benefit of his health in the summer of that year, 1775, and Sir James Wright wrote to the Earl of Dartmouth, July 10, "Mr. Habersham is gone to Philadelphia for the recovery of his health," and on the 1st of November he announced his death to the same person in these words: "Ten days ago I had an account of the death of Mr. Habersham, one of his Majesty's Council and Secretary of this Province." Mr. Habersham's death occurred August 28, 1775, at New Brunswick, New Jersey.

Two Georgia Patriots: Abraham Baldwin and James Jackson

ABRAHAM BALDWIN

From the National Intelligencer

Mr. Baldwin

Our last number announced the death of Abraham Baldwin, Senator from Georgia. The annals of our country have rarely been adorned with a character more venerable or a life more useful than his. War brings its animation, and creates its own heroes; it often rears them up to fame with as little assistance from native genius as from study, or from moral and political virtue.

It is in times of peace that an illutrioous name is hardest earned, and most difficult to be secured, especially among enlightened republicans, when an equality of rank and right leaves nothing to the caprice of chance; where every action is weighed in its proper balance, and every man compared not only with his neighbor but with himself; his motives being tested by the uniformity of his measures.

Mr. Baldwin was born in Connecticut in November, 1754, and received his education very early at the University at New Haven. He was one of the best classical and mathematical scholars of the age in which he has lived. He was employed as one of the professors in this college during the greater part of the American war, at the close of which he began the practice of law, and went to establish himself in the State of Georgia. He arrived at Savannah in the beginning of 1784; he was immediately admitted a counsellor at the Georgia bar, and in three months afterwards he was elected as member of the State Legislature. During the first session of that body after his election he performed a service for the people of the State, for which their posterity will bless his memory. Indeed, if he had done nothing

for them since, this action alone would have immortalized him there. He originated the plan of the University of Georgia, drew up the charter and with infinite labor and patience, in vanquishing all sorts of prejudices and removing every obstruction, he persuaded the Assembly to adopt it. This instrument endowed the University with forty thousand acres of excellent land, required it to establish one central seat for the higher branches of education, and a secondary college in every county in the State; all dependent on the principal seminary.

These lands were the uncultivated; the State itself was new. It is only within the last six years that the rents of the University lands have enabled the trustees to erect the buildings and organize the institution; and it is already in a flourishing condition. Its principal seat is at Athens, on the Oconee river. It is now under the direction of Josiah Meigs, its first President; a man equally eminent for mathematical and chemical science, and legal and classical erudition.

John Milledge, late Governor of the State, and now Senator in Congress, early associated his labors with those of his friend Baldwin in bringing forward this establishment, and we understand that the present trustees have erected, within the walls of the first college, a marble monument to Baldwin, as founder of the institution, and to Milledge, his associate.

This is not the only instance in which we find their names connected by monumental acts of public authority. Milledgeville is the shire town of Baldwin county, and is now declared the seat of State government.

Mr. Baldwin had not been two years in Georgia when he was elected member of Congress. This was in 1785, to take his seat in 1786. From that time till the day of his death he was, without a moment's intermission, a member of Congress from that State, either as delegate under the old Constitution, until the year 1789, representative under the new until the year 1799, and Senator from that time till his death. And the term for which he was last elected had still four years to run from the 4th of March, 1807, the day of his decease.

There has probably been no other instance of such a long and uninterrupted series of confidence and service among the members of the American Congress. And, what is more remarkable, on the first day that he was confined to his house, in his last illness, he told his friends that during his twenty-two years of public service, that day, according to his best recollection, was the first that he had been absent from his public duties.

Mr. Baldwin was a member of the Convention that framed the present Constitution of the United States. This he always considered as the greatest service that he ever performed for his country, and his estimate is doubtless just. He was an active member of that most illustrious and meritorious body. Their deliberations were in secret; but we have good authority for saying that some of the essential clauses of the invaluable, and we hope everlasting compact, which they presented to their country, owe their origin and insertion to Abraham Baldwin.

His manner of conducting business is too well known to his fellow laborers, and to the great mass of his contemporaries, to require any illustration in this hasty biographical sketch. He may have wanted ambition to make himself brilliant, but he never wanted industry to render himself useful. His oratory was simple, forcible, convincing. His maxim of never asserting anything but what he believed to be true could not fail to be useful in carrying conviction to others. Patient of contradiction, and intolerant to the wildest opinions, he could be as indulgent to the errors of judgment in other men as if he had stood the most in need of such indulgence for himself.

During the violent agitation of parties which have disturbed the repose of public men in this country for the last ten years, he has always been moderate, but firm; relaxing nothing in his republican principles, but retaining all possible charity for his former friends who may have abandoned theirs. He has lived without reproach, and has probably died without an enemy.

The state of society would be rendered much better than it is if the private lives of virtuous men could be as well known as their public lives, that they might be kept clearly in view as

objects of imitation. We are creatures of habit, and our habits are formed as much by repeating after others as after ourselves. Men, therefore, mistake a plain moral principle when they suppose it meritorious to conceal their good actions from the eye of the world. On the contrary, it is a part of their duty to let such actions be known, that they may extend their benefits for a sort of reproduction, and be multiplied by imitation.

Mr. Baldwin's private life was full of beneficent and charitable deeds which he was too studious to conceal from public notice. Having never been married, he had no family of his own, and his constant habits of economy and temperance left him the means of assisting many young men in their education and their establishment in business. It would, perhaps, be improper for us to mention particular cases beyond his father's family, but in that there was an ample field for his benevolence. Six orphans, his half brothers and sisters, were left to his care, by their father's death, in the year 1787, and the estate that was to support them proved insolvent. He paid the debts of the estate, quit-claimed his porportion to these children, and educated all, in a great measure, at his own expense. The five, out of the six, who are still living are well established in life, and owe everything to his paternal affection.

His last illness was so short, and his death so unexpected, that none of his relatives, except his brother-in-law, were able to be present at his funeral. But it seemed as if the public in general were his near relatives.

We have rarely witnessed more general and genuine marks of respect at the loss of any of the great benefactors of our country, particularly among the members from Georgia. In that State his loss will be most deeply felt, though it must be very sensibly perceived in the councils of the nation.

Though his funeral was two days after Congress dissolved, many members stayed expressly to attend it. The procession was five miles, from Capitol-Hill to Rock-Creek Church, formed by the Vice-President of the United States, a number of the Senators and Representatives and the heads of departments. Chief mourners, Joel Barlow, brother-in-law of the deceased;

Governor Milledge, his colleague of the Senate, and Mr. Early, Representative from Georgia. His remains were deposited by the side of his old friend, Gen. Jackson, his colleague, whom he had followed to the grave just one year before. The two chaplains of Congress attended, and the funeral service was performed by Mr. Sayre.

A reprint from the *Republican and Savannah Evening Ledger,* Saturday, March 28th, 1807.

JAMES JACKSON

From the *Columbian Museum and Savannah Advertiser,* Wednesday, April 9, 1806.

COMMUNICATION.

Died, at the City of Washington, on the 19th of March last, in the 59th year of his age, the Honorable James Jackson, a Senator from this State in the Senate of the United States, and Major General of the First Division of the Militia of Georgia.

On this event, a message from the Senate to the House of Representatives announced the death of this highly esteemed citizen. A committee of arrangements was formed for his interment, which took place with all the ceremonials and respect due to the rank and character of the deceased; both Houses having unanimously agreed in the words of the resolution of the House of Representatives, to wear mourning for one month "in testimony of their respect for the memory of that distinguished patriot."

This expression of the will of the National Representatives is at once an eulogy on the occasion; and evidence of the high opinion entertained of the virtues and talents of the deceased. What more can be said than to reiterate "that a distinguished patriot is no more."

Some few biographical sketches may be satisfactory. General Jackson was a native of Devonshire in England, and came over to this State at an early period of his life. Following the bent of his genius, he engaged immediately in the study of law, in the pursuit of which he continued until the year 1775, when the seeds of the American Revolution in this State first burst forth. Among the foremost of our young citizens who stepped forward in support of the American cause, we find *him* a private in the Volunteer Light Infantry Company of Savannah, opposing in that early stage the invaders in 1776 of the rights of his adopted country. Having acquired by his decision and

courage the confidence of his associates, his promotion to the command of the company soon followed, together with an appointment to an office in civil affairs of the State. These marks of the confidence of his country, added to the natural ardency of his temper, made him press forward with incessant and persevering exertion, in defense of the State, during the most gloomy period of American affairs, and we trace him in various and repeated conflicts with the enemy, both in this State and in South Carolina, particularly in the defeat of Col. Campbell on Ogeechee, and on many other occasions whilst he commanded the State Legion in this State and in the battles of Blackstocks and the Cowpens, in South Carolina, where he acted as Brigade Major, and where the American arms were crowned with brilliant success.

To rescue his country from the possession of the enemy, by whom it was at that period almost totally overrun, he was appointed by the Legislature, then convened at Augusta, to the command of a legion of horse and infantry, denominated the Georgia Legion, and which he organized with promptitude. In this duty of enterprise and exposure he is deservedly estimated as an officer of courage and merit, and in the vigilant discharge of which he continued until the evacuation of Savannah, in 1782. A general peace soon following, he devoted himself to his profession, in which he was successful, able and upright. On the organization of the State Militia, he was appointed to the command of the Chatham Regiment, afterwards a Brigadier of the State, and ultimately the Major General of the First Division.

Equally zealous for political as for civil rights, he was repeatedly elected a representative in the State and National Legislatures, and called to the Senate of the Union, in all which capacities he was uniformly active and zealous in support of the rights of the people. A period arriving when his services were required at home, he resigned his seat in the Senate, and upon an urgent and important occasion appeared again with uncommon applause in the State Legislature and convention—the intrepid asserter of measures that tended to restore those rights

which the corruption and venality of the times had wantonly trampled upon. Having with the support and assistance of his equally independent friends succeeded in the suppression of the most injurious proceedings, he was elected to fill the executive chair of the State, the important duties of which, as Governor and Commander-in-Chief, he discharged with firmness, integrity and general satisfaction. A vacancy happening in the Senate of the United States, General Jackson was a second time called to that dignified station, in which office, and at his post, he died. True to his principles, he was in every station a zealous advocate of pure representative government; viewing with a jealous and vigilant eye the rights of elections, and detesting those baneful speculations, on public property, so destructive to the rights and morals of the people. He was warm in his friendships, affectionate in his family, and industrious in all his pursuits. Scrupulously exact in the discharge of his public functions, every private consideration was waived when in competition with what he deemed his duty; holding it sacred that where he promised he ought to perform. From this long train of services, then, from the general confidence placed in him; the uniform integrity and ability which characterized his career, we cannot but deplore the "death of this distinguished patriot."

An affectionate wife, with four sons, brothers and relatives by whom the General was greatly beloved, will sensibly feel his loss.

Queries and Answers

R.E.B.—Is it true that General Oglethorpe was offered the command of the British army at the beginning of the Revolutionary War, and that he declined the honor because he was unwilling to fight the people of a colony of which he was the founder?

This story, which is doubtless untrue, was told by Hugh McCall in his History of Georgia, vol. 1, page 325, and by George Bancroft, in his History of the United States, vol. 3, page 166. McCall gave as his authority for the statement "The Annual Register," and Dr. T. M. Harris, referring to the subject in his "Biographical Memorials of James Oglethorpe," says: "After careful searching, I do not find the statement * * *. I must doubt, however, that an official offer was made to him, as he was too old to engage in such service; and deem the statement not sufficiently authenticated to be relied on."

B. H. W.—Can you tell me how Colonel's Island, in Liberty County, got its name?

The name of this island was originally Bermuda Island, supposed to have been so called because of the luxurant growth of the Bermuda grass on it. We do not know when the present name was bestowed upon it, but we are of the opinion that it was about 1748, as, on the 22d of September of that year, the Court of President and Assistants allotted to Lieutenant-Colonel Alexander Heron, of Oglethorpe's Regiment, a tract of 500 acres in the colony, and he settled on Bermuda Island. It is the belief of some persons that it was called by the name of Colonel because it is well known that at various periods settlers bearing that title occupied land there. As many of the references are to "The Colonel's Island," it is reasonable to infer that it got its name from the fact that Colonel Heron was the first of that rank to settle on it. Indeed, the following item of information apparently fixes the matter:

In the *Georgia Gazette* of Saturday, December 7, 1797, John Jones, Sheriff of Liberty County, advertised land for sale "on Heron's Island, now know as Colonel's Island."

Editor's Notes

Just a century ago that delightful collection of literary productions known as "The Sketch Book," containing such never-dying popular compositions as "The Legend of Sleepy Hollow," and "Rip Van Winkle," written by Washington Irving, using the name "Geoffrey Crayon," was first published, and made its author famous. Twenty years after, shortly following the founding of the Georgia Historical Society, Mr. Irving was elected an honorary member of the new organization. That he was well pleased with the Society's action we are certain, having the assurance of that distinguished man in the following characteristic letter, written to Mr. Tefft, the Society's Corresponding Secretary:

"Greenburgh, July 21st, 1839.

"Dear Sir:

"I have to acknowledge the receipt of your letter of the 9th instant, informing me of my being elected an honorary member of the Georgia Historical Society.

"I beg you to express to the Society the grateful sense I entertain of this very flattering mark of their esteem.

"With best wishes for the prosperity of your institution, I remain, dear sir,

"Very respectfully

"Your ob't serv't,

"(Signed) WASHINGTON IRVING."

Another very popular American author was, at the same time, elected one of the Society's honorary members. This was the novelist and historian, James Fenimore Cooper.

Miss Mary E. Phillips, in her volume, "James Fenimore Cooper," published in 1913, wrote (page 281): "On July 8, of this year (1839), Cooper was made a member of the Georgia Historical Society, and the following autumn 'Mercedes of Castile' came from the press."

In acknowledging the honor conferred upon him, Mr. Cooper wrote this letter to Mr. Tefft:

"Otsego Hall,
"Cooperstown, July 29, 1839.

"Sir:

"Your communication, containing the information that the Georgia Historical Society has done me the honor to elect me a member, has just reached me.

"I beg you to acquaint the Society with the high sense I entertain of its compliment, and with my acceptance of the distinction, together with my grateful acknowledgments.

"As I ascribe the honor to my own recent little attempt in history,* I shall ask the favor of the Society, as soon as a second and *corrected* edition of the work appears, to place a copy of it in its library.

"Will you permit me also to thank you for the trouble you have taken in this matter, and believe me to be, sir,

"Your obliged servant,

(Signed) J. FENIMORE COOPER."

At the December meeting of the Georgia Historical Society, in the year 1899, Mr. Horace J. Smith, of London, presented a photograph of a document relating to the founding of the Colony of Georgia. As the proceedings in the matter of its presentation will doubtless be of interest to our readers, we make place for the same here:

Philadelphia, Pa., Nov. 14, 1899.

William Harden, Esq.,
Librarian of Historical Society of State of Georgia,
Savannah, Ga.

Dear Sir:—About eleven months ago my father, Horace J. Smith, sent me the matter which I hereby send to you by express. In some way this matter has been lost for eleven months,

*"History of the United States Navy."

and diligent search had failed to reveal it until yesterday. I take pleasure in forwarding it to you and shall be glad to have you acknowledge to Mr. Smith its receipt, even after so long a time.

Trusting the matter may be of interest to you, I am, respectfully yours,

A. L. SMITH,
Ivy Bank,
School Road,
Moseley,
B'ham.

Ivy Lodge,
Germantown,
Philadelphia,
U. S. A.

44 Grosvenor Road,
Westminster Embankment,
London, Dec. 3, 1898.

Dear Sir:—I send you herewith a photograph of a "Warrant," issued by the "Trustees for establishing the Colony of Georgia," to the vestry of St. Margaret, Westminster, to collect money for the purpose of sending "poor people to be settled and established in the Southern frontiers of South Carolina." The original was found by my friend, J. E. Smith, Esq., clerk of the now united parishes of St. Margaret and St. John, among the muniments of the vestry. By his kind permission, William H. Brand, Esq. (who describes himself as only an amateur, but whose work as you will see is as excellent as that of a professional) has taken a copy for me to send to you.

I am sure you will appreciate the courtesy of these gentlemen; the one who rescued and the other who provided a copy of this interesting historical relic. Oglethorpe, while in Parliament, visited a friend in prison for debt, and found him loaded with chains. This so affected Oglethorpe that by his efforts such persons and others were sent out as a military colony to act as a buffer between the Indians and South Carolina—a colony named for Carolus, King of England.

No other colony after this one, taking its name from its founder, George II, was christened after a British monarch. We have no "Guillielma" to commemorate William IV; nor "Victoria" on our list of States; for after the Revolution, we

were self-contained and adopted Indian names for our territories, except that we wished to honor "Washington" with one, and accepted "Louisiana" from the French.

I shall be pleased to be able to advise Mr. Smith and Mr. Brand of the safe arrival of this historical souvenir, and to serve you further in any historical researches, if so advised.

Very respectfully,

HORACE J. SMITH.

To Wm. Harden, Esq., Librarian of the Historical Society of the State of Georgia, Savannah.

Extract from a book issued as a Special report of the Westminster vestry entitled "From Pre-Reformation Times to the Present Day."

"The benevolence of Westminster might indeed, almost be said to be world-wide. At least one of the flourishing States of America is indebted to the Parish for material help at its foundation.

10th May, 1733. It having been requested by the trustees for establishing a colony in Georgia for the minister, churchwardens and principal inhabitants of this parish to take subscriptions and to gather and to collect money for the said charity.

It is agreed that this vestry will give them assistance therein provided the said corporation do furnish them with proper power.

A warrant under the seal of the State was received by the vestry in the following year, appointing the church wardens, and other parish officers, treasurers for the raising of funds. This warrant mounted on crimson silk, with its curious seal in clay, bearing a design of a silk worm on a mulberry leaf, was brought to light at the Town Hall a few years ago, and suitably framed for preservation."

List of vestrymen present at the meeting of the vestry, held on the 10th May, 1733:

Rev. Rich. Widmore, John Grainger, Esq., Nathl. Blackerlly, Mr. Matthias Sayer, William Lowndes, Esq., Mark Freker, Esq., Mr. John Atkinson, William Ireland, Esq., Richard

Farwell, Esq., Mr. John Alford, Capt. Samuel Tufuell, John Dives, Esq., Mr. John Williams, Mr. Richard Nurse, Alex. Chocke, Esq., Mr. Wm. Skelton, John Lawton, Esq., Mr. James Stedman.

MR. GRAHAM,
MR. THOS. NOWELL, Churchwardens.

The Vestry of St. Margaret and St. John, Westminster.
Vestry Offices, Town Hall,
Westminster, S. W.
20th, October, 1898.

Horace J. Smith, Esq.
44 Grosvenor Road, S. W.

Dear Sir:—Your inquiry relating to the warrant for the State of Georgia, with special reference to its bearing the same date as the resolution of the vestry, is quite reasonable, and, at the same time, capable of an easy answer. The meetings of the vestry were held at the time under review, as early as 8 o'clock in the morning, in the vestry room adjoining the church. The office of the trustees of the funds, in Old Palace yard, was quite close to the vestry room, so that there would be no difficulty in the resolution of the vestry being conveyed to them, and in the warrant being agreed upon and made out by the trustees on the same day. The fact that the receipt of the warrant is not recorded until "the following year," as shown in the record you have copied, is probably due to its having been handed in, at the close of their task, by those who had undertaken the collection. The amount collected does not appear to have passed through the church warden's accounts, for there is no entry relating to it in the year 1733, or either of the next two following years.

I enclose a list of the names of the vestrymen present when the collection was undertaken, in case it may be useful hereafter for comparison with the records of the trustees.

The warrant was clearly not a "brief" in the same sense as other licenses resorted to for collections at the time. No mention is made of it in the register of briefs laid in St. Margaret's parish, nor does Mr. Bewes, in his comprehensive volume on

"Briefs," refer to it in any way. Such documents were printed and entered at the Court of Chancery, whereas the Georgia warrant is an original document in manuscript, under the seal of the trustees, and bears no indorsement of the entry.

I am, dear sir,

Yours faithfully,

(Signed.) J. E. SMITH,
Vestry Clerk.

TO ALL WHOM THESE PRESENTS SHALL COME:

WHEREAS his Majesty hath been graciously Pleased to take into Consideration that many of his poor Subjects, and many Forreigners, who are willing to become his Subjects, are reduced to great necessities, and would gladly be settled in the British Provinces in America, where, by Cultivating the Lands at present Waste and desolate, they might not only gain a comfortable subsistence for themselves and Families, but also strengthen his Majesty's Colonies, and increase the Trade Navigation and Wealth of these Realms. AND WHEREAS, his Majesty hath declared it highly becoming his Crown and Royal Dignity to Extend his Fatherly Compassion even to the meanest and most unfortunate of his People, and to relieve the wants of his above mentioned poor Subjects, and that it will be highly conducive for the Accomplishing these ends, that a regular Colony of the said poor People be settled and established in the Southern Frontiers of South Carolina. AND WHEREAS his Majesty for the more orderly Carrying on the said good Purposes HATH by his Royal Charter bearing date the Ninth Day of June in the Year or Our Lord 1732 constituted a Body Politick and Corporate by the Name of THE TRUSTEES FOR ESTABLISHING THE COLONY OF GEORGIA IN AMERICA and hath granted unto the said TRUSTEES and their Successors for ever, certain Lands and Territories in South Carolina IN TRUST for Establishing the said Colony, and hath erected the same into an Independent Province by the name of GEORGIA. NOW KNOW YE that We the said Trustees being well assured of the Integrity and Humanity of the Minister Church Wardens and Gentle-

men of the VESTRY of the Parish of Saint Margaret Westminster and that they greatly desire the success and accomplishment of so Excellent a Work HAVE, by vertue of the Powers granted to Us by the said Charter at a Meeting of the said Corporation convened and assembled for that purpose, authorized and appointed and by these Presents DO for the Consideration aforesaid authorise and appoint the said Minister Church Wardens and Gentlemen of the Vestry of the Parish of Saint Margaret Westminster or any two or more of them to take Subscriptions and to gather and collect such Moneys as shall be by any Person or Persons contributed for the Purposes aforesaid and to transmit with all convenient Speed to us the said TRUSTEES, at our office in Old Palace Yard Westminster the Moneys so collected together with the names of the Persons and sums which each one shall contribute or subscribe, and in case any of the Contributors shall desire their Names to be Concealed then the Sums by them given respectively, that we the said TRUSTEES may be enabled from time to time to publish perfect Accounts of such Benefactions. GIVEN under our common Seal this TENTH DAY OF MAY 1733.

In making the presentation, in behalf of the donor, Mr. William Harden, the Society's Librarian, took advantage of the occasion to make the following remarks:

"But the interest of our society in this Church of St. Margaret is not confined to the incident of this evening, as I will now show.

"It may not be known to many of our members that the remains of Sir Walter Raleigh, with the exception of the head, which it is said was given to his wife at the time of his execution, and kept by her until her death, are buried in that church. The proceedings of the Massachusetts Historical Society, at the June meeting, 1880, show that a suggestion had been made by the Rev. F. W. Farrar, then canon of Westminster and rector of St. Margaret's Church, now Dean of Canterbury, 'that a window in memory of Raleigh would be an appropriate tribute from Americans, in whose history his name occupies so prominent a place. A letter from Canon Farrar was read,

and a subscription paper, started by American residents in London, exhibited. The project excited considerable interest among the members present, and the president was requested to bring the matter to the attention of other historical societies. The subscription paper was committed to the treasurer for the gift of individual members.'

"The suggestion that the interest of other historical societies be invoked in this matter met with encouragement, and the proceedings of our Georgia Society show that at the December meeting, of the same year, 'the chairman read a letter from Hon. Robert C. Winthrop of Massachusetts concerning the placing of an American memorial window in St. Margaret's Church, at Westminster, London, in honor of Sir Walter Raleigh, and favoring strongly the scheme. Upon motion of Gen Lawton, this society subscribed £20 to this object.' The amount required for the purpose was readily subscribed, and the Massachusetts Historical Society, through which body the collections were made, sent to Canon Farrar £315. Mr. Winthrop, its president, participated in the cremonies incident to the unveiling of the window, and thus spoke of it in a letter to his vice-president, Dr. George E. Ellis, dated at Paris, May 17, 1882: 'Last Sunday morning I had a great treat at St. Margaret's, London, where the window in memory of Sir Walter Raleigh, which our society, at my suggestion, led off in subscribing for, was unveiled. A beautiful window it is, the large west window of the old Parliamentary Church, with full length figures of Queen Elizabeth, Raleigh and Sir Humphrey Gilbert. Lowell wrote the inscription for it, in verse. The sermon by Canon Farrar was admirable; full of kind feeling to America, and every way worthy of the window, of Raleigh, and of himself."

The inscription reads thus:

"The New World's sons, from England's breasts we drew
Such milk as bids remember whence we came;
Proud of her past wherefrom our present grew,
This Window we inscribe with Raleigh's name."

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